

STATE OF CALIFORNIA

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

REGULAR MEETING

Friday, December 7th, 2007

9:03 a.m. to 2:25 p.m.

held at

KVIE
2595 Capitol Oaks Drive
Sacramento, California

Commissioners Present: Anderson, Brissenden, McMillin,
Spitler and Thomas.

Commissioners Absent: Willard.

Minutes by CHERYL L. KYLE, CSR No. 7014

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1 (Sacramento, California, December 7th, 2007)

2 --oOo--

3 CHAIR BRISSENDEN: Take your seat and welcome to

4 the continued meeting of the OHV Commission. Cheryl,

5 the scribe, has asked me to remind you that this room

6 has acoustics that are creating interference for her.
7 So if you could keep your murmuring outside, that would
8 be great.

9 Since this is a continuation, we will not go to
10 roll call or the Pledge of Allegiance. We'll just go
11 on into the meat of the meeting, if you will. We will
12 have a public comment period at 11:00 for those items
13 that are not on the agenda, which is basically the
14 grants cycle. For those veterans amongst you, John
15 Stewart, you, and Mr. Klusman, I just wanted to point
16 out the various colored cards; they're back in the back
17 for comments. I don't think we'll have public comment
18 on Restoration or Conservation, since those are fully
19 funded. So I hope that wouldn't necessarily be the
20 case, but you would need to fill one of those out.
21 This is public -- green is public comment on agenda
22 items, and for those to speak up at the public forum,
23 the blue card. For those wishing to speak on Law
24 Enforcement, the white card; and for those wishing to
25 speak on non-CESA, the yellow card.

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1 Daphne, do you have any procedural things or any
2 items that you wanted to go over this morning? Phil,
3 the choir behind you need to say anything?

4 DEPUTY DIR. GREENE: Yesterday we had a request,
5 Chairman Brissenden, by Commissioners Anderson and
6 McMillin. On November 28th, Commissioners Anderson and
7 McMillin were out on the ground in Juniper Flats, down
8 in Southern California, looking at an example of a
9 desert riparian area to try in an effort to better
10 understand implementation of the policy that the
11 Commission had adopted. I referenced that yesterday.

12 Commissioner Anderson asked if we could give a little
13 bit more detail this morning.

14 We had prepared a memo that was intended just
15 for those subcommittee members to get an idea of
16 whether or not we were on the right page of the
17 overview of that meeting. So I'm going to turn it over
18 to Rick LeFlore.

19 Commissioner Anderson, would you like us to give
20 a little bit more in-depth overview.

21 VICE-CHAIR ANDERSON: A little bit more, yes, on
22 where we are.

23 OHV STAFF LeFLORE: Chair Brissenden,
24 Commissioners, Rick LeFlore, State Parks
25 Superintendent, Off-Highway Vehicle Division

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1 Headquarters. Well, I had the pleasure to join with
2 the subcommittee on our tour on November 28th down in
3 Juniper Flats, and we had a nice day with Bureau of
4 Land Management staff. The Friends of Juniper Flats
5 also attended, and also we had a visit by the local
6 newspaper, Victorville Newspaper, who was interested in
7 it from a local standpoint also on kind of a more
8 broader policy basis. So I think it was a very good
9 learning trip. I would defer comments actually to both
10 Mark and Judith as far as your reactions to that tour.

11 Essentially, we wanted to go out on the ground
12 and ground test it a little bit. We shared some of the
13 past staff analyses that we've done of the policy. As
14 you know, there have been some questions raised over
15 how to actually classify or categorize desert riparian
16 areas. There are different manuals of classification,

17 different vegetation types, kind of a moving target in
18 terms of permanent water versus nonpermanent water,
19 subterranean sources and the like.

20 So essentially where we are right now from an
21 analytical standpoint, we've come down to some broad
22 component definitions of desert and riparian areas,
23 looking at some kind of a way to categorize areas in a
24 prioritized order for protection. There are a lot of
25 best management practices out there that, for instance,
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1 a grant applicant could cite in terms of protecting or
2 avoiding impacts to riparian resources. So we have
3 quite a number of those types of options and measures
4 that are out there that would assist the Commission in
5 evaluating whether or not you actually do have projects
6 that are consistent with the intent of the policy.

7 And a large order of business is the actual
8 delineation or mapping of priority riparian areas. I
9 was impressed with the Barstow area when I asked, well,
10 how many acres do you have within your jurisdiction,
11 and Roxy advised I think it was 2.3 million acres. And
12 if you consider the entire State Parks system is under
13 2 million, that's a significant task when you're
14 actually thinking of mapping and prioritizing riparian
15 areas.

16 And finally looking at regulations and
17 implementations of a policy, again, once we've gone
18 through all of this on the part of applicants, they
19 actually have to have guidance, which means we will
20 have to be dealing with the Office of Administrative
21 Law, getting into their submittal cycle and actually
22 developing grant instructions and subsequent

23 regulations to implement this policy.

24 So essentially where we are now is we want to
25 continue working with this subcommittee as we go into 132

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1 2008 and would like to see regulatory language drafted
2 up ahead of the next regulatory cycle for '08. And we
3 would like to again work with the Commission as needed,
4 perhaps look at the possibility of a field trip out on
5 the Colorado River area, down the way.

6 So that's what I have right now, and I would
7 leave it to, Mark and Judith, if you have comments, or
8 questions, concerns from the subcommittee's standpoint.

9 VICE-CHAIR ANDERSON: Okay. I'm going to kind
10 of summarize my reactions. The two site visits that
11 we've had so far, the first one to kind of the extremes
12 of the spectrum where there is almost no riparian area,
13 to an area that's protected carefully with a parking
14 lot and say restrooms, and the public is invited to
15 visit but not to drive through. And then our second
16 visit a week ago was to two very small areas where the
17 most interesting kind of new information that fits into
18 this matrix that I personally hadn't really thought
19 about that much were, one, the route is not under the
20 control of the agency. The route is designated or was
21 established by some third party. In this case it
22 happened to be a power company. And then the other
23 element was that there was off-site use, which in this
24 case was unauthorized and unapproved hill climbs where
25 the impacts to the riparian area were indirect. And 133

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1 the question would be, okay, how do we deal with those
2 kinds of unintended and certainly unauthorized, in this
3 case, use. But even if it were authorized, how do you
4 quantify the indirect impacts of erosion that could
5 easily fall into a riparian area?

6 Then there were a couple of other elements that
7 were raised on the field trip but we didn't actually
8 see. One was the discussion of what do you do if
9 you're talking about a riparian area that's in a fairly
10 broad wash system where due to some catastrophic water
11 event, a flood or earthquake or something, which might
12 actually cause the riparian area to move, and that
13 routes which were previously avoided, the watercourse
14 might, under this new scenario of revised geologic
15 conditions, move the riparian areas to some place to
16 where it is running through the trails, how do you
17 categorize those kinds of impacts?

18 I think that there are a lot of questions. I'm
19 not sure, Rick, that it's fair to say that BLM has two
20 million acres in this one area to look at. Most of it
21 doesn't have any riparian, and we all know that. It's
22 not going to be -- I don't think it's going to be as
23 hard to develop a high-priority or even a medium-
24 priority riparian list. I think that most of
25 ecologists or biologists in each of the resource areas

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1 that we're talking about, certainly in the desert, know
2 where all of their riparian areas are because everybody
3 is looking at them, and if not them, then the
4 Department of Fish and Game. And anything that they

5 haven't already identified as a significant water
6 source, I would think would fall below our priority
7 list. Not that we wouldn't recognize them as riparian
8 areas and areas important to protect, but they would
9 not be the first things that we would have on our
10 priority list.

11 In terms of developing the list, I would be
12 interested in having the Division not necessarily work
13 for consensus on what the list is but to develop a
14 draft list that's going to be recognized and then let
15 the public and the scientific community comment on the
16 list, and if necessary bring in additional information
17 that they may have on significant species or other
18 information which might change the ranking. I would
19 think that the biggest decision the Commission might
20 have would be how long do they want to make the
21 priority list, because I think the list of areas is
22 pretty well-known. We just need to decide at what
23 point do we cut it off and say, okay, these are
24 priorities, the following ones are either the areas are
25 too small, its risk; this area is very confined; its

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1 potential for suffering degradation is less and kind of
2 like the squeaky shoe gets all of the attention. The
3 big ones are the ones that really need to be addressed,
4 and they need to be addressed first. And then as
5 situations change, I think that this list should be
6 open to revision depending upon whether or not there
7 may be acquisitions by or other designations within
8 agencies that might change the need for an area to be
9 on the list or drop off the list.

10 So I hope and would urge you to move forward
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11 with all deliberate speed into developing this priority
12 list. And I hope that the next site visit actually
13 takes us to an area where we can actually see what kind
14 of problems there really are, kind of right in the meat
15 of something that is obviously going to be a priority
16 area where there are problems. I think we have not
17 seen that yet.

18 OHV STAFF LeFLORE: Thank you, Judith. And we
19 do have an internal draft list that we've started
20 compiling from our cooperative managers and the like,
21 so we have a start on that.

22 CHAIR BRISSENDEN: Mark, you have some
23 additional comments?

24 COMMISSIONER McMILLIN: Just quickly, maybe,
25 Judith and I and you can get together again on a phone
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1 call before the year end, just to keep things moving
2 and we can see that draft list?

3 OHV STAFF LeFLORE: You bet, be happy to.

4 COMMISSIONER McMILLIN: That's a huge task to
5 put together. I enjoyed the field trip very much, and
6 as far as the squeaky shoe or wheel getting the grease,
7 as you can see, Juniper Flats was the squeaky wheel.
8 We went out there and looked, and there was a little
9 bit -- a couple of crossings but it was very
10 interesting. I don't think there was as big a problem.
11 But I, too, would like to see an area which maybe is
12 going to be in the top three or four or ten so we can
13 implement some portion, in not all, of this desert
14 riparian policy.

15 OHV STAFF LeFLORE: I think we can find such an

16 area.

17 COMMISSIONER McMILLIN: Okay. And I want to add
18 to the list of attendees. There was a guy from the San
19 Bernardino Sheriff's Department that was there, also.

20 DEPUTY DIR. GREENE: He's on there.

21 OHV STAFF LeFLORE: Yes, he's on your memo, yes.

22 VICE-CHAIR ANDERSON: And a thank you to the BLM
23 for trucking us around also.

24 COMMISSIONER McMILLIN: It was a fun day.

25 OHV STAFF LeFLORE: I think I saw Roxy somewhere
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1 back there. Where are you? There she is. Thank you
2 very much Roxy and staff, Jim Weigand -- I'm not sure
3 where you are -- for making this trip.

4 COMMISSIONER McMILLIN: Maybe we can squeeze a
5 field trip into the March or June, if we can get one of
6 those down in Southern California?

7 OHV STAFF LeFLORE: I think we would all prefer
8 that over August.

9 COMMISSIONER THOMAS: Might we suggest Furnace
10 Creek on your list of flash points?

11 OHV STAFF LeFLORE: Absolutely.

12 COMMISSIONER THOMAS: That would give you a nice
13 summary of the kinds of discussions that need to be
14 dealt with.

15 OHV STAFF LeFLORE: Thank you.

16 CHAIR BRISSENDEN: Any other comments on the
17 field trip and the proposed regulation -- not
18 regulation, what am I saying?

19 I think what I would like to do next is to have
20 Allen sort of go over how this process began this year
21 in terms of grants, and I need to review some of these

22 comments cards that are wishing to comments cards
23 because some of them were created yesterday prior to
24 some of our changes in some of the funding buckets
25 which altered the need to comment, I believe. So there
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1 are some of you that I'll go through after Allen has
2 had a chance to review the process to date, and I'll
3 call you out and see if you really want to pull things
4 from this agenda. I would hope that we could reduce
5 the number of items pulled off of Consent for some
6 obvious reasons that will be stated later.

7 Allen, if you want to go through and lead us
8 through how we got to today.

9 OHV STAFF CHANCEY: Sure, absolutely. Thank
10 you, Chairman, and good morning members of the
11 Commission. There are two real significant changes
12 this year that I'd like to touch on. And the first is
13 that there's full funding this year rather than the
14 partial funding that's been the practice in the past.
15 We've listened to the agencies, and if you proposed a
16 project but only ended up getting 70 or 75 percent of
17 the funds to complete that project, then some decisions
18 had to be made to how you alter that scope of work. It
19 was problematic for us to change all of the forms and
20 the PCDs. And so we listened to that issue, and that's
21 why this year everyone who was above that red cut line
22 on your spreadsheets is going to receive full funding.
23 So we simply started with the highest score and then
24 proceeded down the list until all of the money was
25 exhausted. And we just think that's a lot better

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1 approach so that people can get full funding for their
2 projects rather than partial and really meet the end
3 result that they were originally looking for.

4 Something else that's new this year is there are
5 two sets of scores. There's a general criteria score
6 and then a project specific score. And the reason that
7 we did that is, what we talked about a little bit
8 yesterday, we're saving a little paper because many of
9 the projects, if it has to do with land management,
10 whether you applied for a FOAM project or a trail
11 maintenance project, there is a set of questions that
12 we're going to ask you that are the same. So rather
13 than have the agencies answer the same set of questions
14 several times, they only have to answer it one time and
15 that makes up the general criteria questions.

16 Now, there is an exception to that, and that
17 would be law enforcement and the OHV safety and/or
18 education because those are not land management
19 projects. So as you'll see, as you look at your
20 spreadsheets, and my staff worked diligently late into
21 the night to develop a revised -- I hope everyone has a
22 revised spreadsheet. For example, open to the very
23 first page on the Conservation where you can see there
24 is a project title, followed by the project number, and
25 then the next column is the factual findings page

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1 number, and the next column is the application volume.
2 So if you wanted to quickly reference where that
3 information is on a particular project, you'll be able

4 to refer to this and just quickly jump over there.
5 That is followed by the general criteria score that was
6 based upon the self scoring of the applicant; and then
7 followed by the Division score. And you'll see that
8 commonly the Division score is higher in the general
9 criteria than how the grantees scored themselves, and
10 I'll get to that in a minute as to how that occurred;
11 followed by a percentage, and that percentage is in the
12 very first line for Angeles National Forest in the
13 Conservation, the first page, as they scored themselves
14 52 but we upped it to 62 percent, that represents 90.32
15 percent of the overall possible score.

16 VICE-CHAIR ANDERSON: Which was what? What was
17 the possible score?

18 OHV STAFF CHANCEY: Sixty-two was the possible
19 maximum score.

20 VICE-CHAIR ANDERSON: Thank you.

21 OHV STAFF CHANCEY: Followed by that would be
22 the project specific score that was determined by self
23 scoring of the applicant, followed by the Division
24 score, then the percentage. Then there is a formula,
25 which we'll talk about in a minute, on how we developed
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1 their overall score.

2 So I'd like to talk a little bit about the
3 application process itself. If you wanted to apply for
4 a grant this year, you had to request a CD wizard that
5 we would send to you, and then this CD would prompt the
6 applicant on how to fill out the forms, give them
7 instructions. It would actually fill out the forms for
8 them, and then ask them to export the forms and burn
9 that onto another CD, and to also produce a paper

10 product. There were a couple of glitches. Although
11 the CD wizard produced hundreds of calculations
12 correctly, there were a couple of snafus, and we were
13 able to resolve all of those with a patch or in some
14 cases there were just problems with a local computer
15 loading the CD and our IT consultant worked that out
16 with everyone. We were able to fix all of those
17 glitches, except we did miss one, and that one we
18 resolved on the errata. So I want you to know if
19 someone walks up to the podium and says the wizard
20 didn't allow me to do something, I'm not the wizard.
21 They're talking about the application CD. It wasn't
22 me.

23 CHAIR BRISSENDEN: Important clarification.
24 Although after some of your remarks, I think you've
25 been a wizard with this changing of the grants

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1 approach.
2 OHV STAFF CHANCEY: Well, thank you.
3 So this year the process was the applicants were
4 self scoring, and we did this to remove as much
5 subjectivity as possible. There's always an advantage
6 to a grantee who has a great grant writer, great
7 English skills that there is an inherent advantage
8 given to those people, and we wanted to remove that.
9 Our goal is to collect information. And when your
10 grants are based on a narrative, and someone then has
11 to read and analyze that narrative, my interpretation
12 of that narrative may be different than someone else's,
13 and so that's where we get into the debates.

14 COMMISSIONER SPITLER: We've never seen that

15 around here.

16 OHV STAFF CHANCEY: So we formulated the
17 questions, and then asked the applicants to respond by
18 checking the most appropriate box. And in some cases,
19 it would be checked all the boxes that apply. We also
20 asked them to insert statistical information, and then
21 in some instances we asked them to provide a short
22 narrative just so that we can give a broader picture of
23 the program that the question is referring to.

24 It's also important to note that we required
25 that all responses have to be supported by factual

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1 documentation, and we did not require the applicants to
2 forward all of that factual documentation because we
3 would have, you know, a pallet load of paper if that
4 was the case, but if there were questions, they would
5 have to produce those factual documentations upon
6 request.

7 We put together scoring teams that were all
8 folks from the grants unit in the Division with a
9 minimum of three members and some had more. And we
10 reviewed the applicants' self scoring, and we either
11 concurred with their self score based upon their
12 application or we may have added or reduced the scores.
13 If we reduced the scores, it was based upon that there
14 was conflicting information in their application. So
15 there are fields where we asked them to enter
16 statistical data and check the box that corresponded
17 with that data, and several people checked the wrong
18 box. So that's where we would correct the score to
19 match the statistical data. We assumed that the data
20 would be correct, and that it's easier just to miss

21 checking a box than it is to providing a series of data
22 that would all be incorrect. That was our thought
23 process in that. We also added points when we saw
24 similar conflicts where they had responded in one area
25 and then checked the inappropriate box, and the best of
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1 our knowledge, based upon their application, we
2 actually added some points.

3 The score determination, we are going to have a
4 little visual on the score determination. Not all
5 project types had the same maximum point value. We
6 wanted every category to ask the pertinent questions.
7 And rather than come up with a method where every
8 project category had the same amount of points, we
9 would have to get very creative with some of the
10 questions in order to do that. And we wanted the
11 questions to be pertinent and have meaning; therefore,
12 an acquisition project only had a maximum of 38 points
13 possible, while a safety and/or education project had a
14 maximum of 73 points possible. So how do we measure
15 and compare these, especially when they're in the
16 non-CESA category where they're competing against one
17 another?

18 So it was determined that what we needed to do
19 was calculate the percentage earned of the points
20 available. And you can see on the screen, there's also
21 some posters on the walls, that give an example of how
22 that worked. So the sample here is a trail maintenance
23 project. So you can see that the general criteria
24 score was 52 of 62 possible, and we changed that to a
25 decimal so that is how they earned 80 percent of the

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1 possible points. That's for the general criteria.

2 Then we looked at the project specific criteria,
3 which in this case is trail maintenance, and the
4 applicant scored 33 of 43 points available, which
5 computes to 76 percent of the points possible. So to
6 get a total, we then added the two percentages and then
7 divided by two. So in the example that we're
8 projecting, then 78 percent would be the score for the
9 trail maintenance project.

10 Now, law enforcement and safety and education
11 are exempt from the general criteria because they are
12 not land management issues, which the general criteria
13 questions addressed. So there on example B, the law
14 enforcement project, you'll see there is an absence of
15 the general criteria score. It's strictly based upon
16 the project specific score, which in this example
17 equates to 83 percent.

18 And now I'm going to talk about the VO ratio,
19 which is the visitor opportunity ratio. Going to have
20 a slide on that one, too.

21 VICE-CHAIR ANDERSON: Excuse me. Before you
22 leave the general criteria, could you tell us what the
23 points were possible on each of the categories? You
24 said general was 62; trail is 43; law enforcement, 108.
25 Can I have the other specific numbers?

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1 OHV STAFF CHANCEY: Acquisition is 38.
2 Development is 40. FOAM is 40; safety and/or

3 education, 73. Planning is 43. Trail maintenance is
4 40.

5 VICE-CHAIR ANDERSON: Forty-three.

6 OHV STAFF CHANCEY: Forty, four zero.

7 VICE-CHAIR ANDERSON: I thought you just showed
8 43 a minute ago.

9 OHV STAFF CHANCEY: We're checking.

10 VICE-CHAIR ANDERSON: Trail maintenance specific
11 criteria 33 of 43.

12 OHV STAFF CHANCEY: It is 40. Our hypothetical
13 is just a hypothetical.

14 VICE-CHAIR ANDERSON: All right. Thank you.

15 OHV STAFF CHANCEY: Conservation was 38.
16 Enforcement was 112; and Restoration, 42.

17 COMMISSIONER THOMAS: Did I miss in my packet
18 the explanation of this system? I don't remember
19 seeing it before. Was it in the binder, the
20 explanation of the scoring system?

21 CHIEF JENKINS: All this information, we didn't
22 include it in the binders that we sent out, but that
23 had been sent out earlier in the year when we went
24 through the development of the regulations process.

25 COMMISSIONER THOMAS: But in our box in

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1 preparation for this meeting, I don't remember a green
2 copy. We just had the applications, right? We didn't
3 get the master diagram. I don't remember getting that.
4 Was that in the box of materials? I didn't have one.

5 CHIEF JENKINS: It should have been a green,
6 yellow and blue book as well as all of the white books.

7 COMMISSIONER THOMAS: Just all white books, I
8 didn't get anything but white books. I never got the

9 colored books. I just got the white books. Just a big
10 box of white books which I looked at each one.

11 DEPUTY DIR. GREENE: I believe, Commissioner
12 Thomas, that was signed off for through FedEx, so we
13 can double check if that was delivered to your house.

14 OHV STAFF STALLCOP: I actually took it to him
15 myself. I handed it to your wife.

16 COMMISSIONER THOMAS: I failed math so I
17 probably couldn't figure it out anyways. I have it all
18 in one spot. Thank you.

19 OHV STAFF CHANCEY: The VO ratio, which is now
20 on your screen, was actually Form D, and the
21 calculation from this form was then put on the scoring
22 form, which was Form K. And the purpose of this ratio
23 is to determine the density of the activity. So that
24 an area that was small but had a lot of visitor days
25 would be more dense, and so they would score higher.

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1 An area that had a large area and has a lot of riders,
2 would score somewhere in the middle. And then a large
3 riding area with fewer visitor days would score lower.
4 So we were looking at where the dense activity is in
5 the concept that there would be a greater need in those
6 areas where there was a denser use of those areas. And
7 it's based upon looking at the number of visitor days
8 available, the acreage of the open riding areas, the
9 number of miles of the trails, and then the same was
10 done for the over-snow opportunity, and then there was
11 a math calculation to determine this ratio.

12 So when we look into the actual -- scoring
13 summaries factual findings, this is the first question

14 in the general criteria, and this calculation was not
15 performed by the CD wizard. So when the applicants
16 were self scoring, they did not receive a score for
17 this form. We calculated -- actually our database
18 calculated it when we processed it. So that is why on
19 a lot of the general criteria scores, the Division
20 score is higher because we gave them points based upon
21 this opportunity summary.

22 This opportunity summary was also broken down
23 into fifths. So the grantees with the highest ratio
24 would be in the top five, and then there obviously were
25 more categories as we went down the list. We ran into

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1 a problem that we didn't anticipate, and that is
2 breaking something into fifths is based upon that
3 you're getting a number of applicants that is divisible
4 by five, and that didn't happen. So we had one extra.
5 So being the generous people that we are, we put that
6 one extra into the top category.

7 There's also a similar ratio within the safety
8 and education applications where it's based upon the
9 number of students or a second question was the cost of
10 the program per student. And based upon the
11 applicant's entry on their application, we broke those
12 into thirds. But luck being as it is, we did not have
13 a number of safety and education applicants divisible
14 by three. So, again, we put the odd number, benefit of
15 the doubt, being the generous people that we are, the
16 largest category is the highest scoring category.

17 So let's take a look at what we provided to
18 everyone, and you should have a set of white volumes,
19 and these contain the applications and the general

20 criteria. Since the general criteria applies to many
21 different project types, we decided to put it in with
22 their application. We then have the factual findings,
23 there should be three of these, one for Law
24 Enforcement, one for Conservation, and Restoration
25 combined because we didn't get as many applications

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1 there, and then one for non-CESA.

2 VICE-CHAIR ANDERSON: Were those on the CDs?

3 OHV STAFF CHANCEY: Yes.

4 VICE-CHAIR ANDERSON: I didn't see those, okay.

5 Maybe I didn't look in the right category.

6 COMMISSIONER THOMAS: Didn't have a wizard;

7 that's the problem.

8 OHV STAFF CHANCEY: They're under factual

9 findings. It was on the CD.

10 VICE-CHAIR ANDERSON: I guess I spent all of my
11 time in the white volumes.

12 OHV STAFF CHANCEY: Okay. So let's just take a
13 quick look, and since I have the blue law enforcement
14 on top, I'm going to demonstrate that one. If you open
15 it up, you'll find an index and the page number
16 corresponding to where the factual findings are listed,
17 then you would see -- you turn to the application
18 you're interested in, what you're actually looking at
19 is a snapshot of the application that we developed --
20 we're not doing this manually anymore -- the
21 application that we developed to score the
22 applications. And it's an exact replica of the page
23 that the applicants filled out. It shows their score
24 and then the Division's score, and then a comment

25 section for us, so that if we concurred with their self
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1 scoring, we simply put concurred. If we did not agree,
2 then we put in an explanation as to why we did not
3 agree. You'll also note that we did the best we could
4 on the Consent Calendar scoring summary to color code,
5 for all of those who are not color-blind, so law
6 enforcement findings are blue. Factual finding has a
7 blue cover -- oh. So are there any questions about
8 that process?

9 COMMISSIONER McMILLIN: Remind me where the
10 opportunity summaries blend in, is that the general?

11 OHV STAFF CHANCEY: The general criteria.

12 VICE-CHAIR ANDERSON: Kind of a specific
13 question here. Do you have a sense of what this
14 particular criteria -- which it certainly gets at need.
15 I think that, you know, if you're talking about density
16 of use, that your objective is to reduce the density
17 and thus those projects with high density get more
18 points, correct?

19 OHV STAFF CHANCEY: They would receive more
20 points, yes.

21 VICE-CHAIR ANDERSON: Okay. So obviously if
22 you're assigning more points, then that's your goal.
23 Was there any staff discussion about if you assign more
24 points to having density, that in the future you might
25 encourage density rather than the opposite or was that

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1 your intent?

2 CHIEF JENKINS: Let me try to answer that
3 because while Allen has done a fantastic job in running
4 this program, as we've gone through the process, we had
5 actually developed the scoring matrix before he came on
6 board. So I don't know that I want to have him try to
7 answer that.

8 VICE-CHAIR ANDERSON: Okay.

9 CHIEF JENKINS: So while the Division was trying
10 to develop this portion of it, what we were considering
11 was that there are two approaches that you can take
12 because we have to come up with measurable criteria
13 that everybody can track and say, okay, that's how that
14 number was arrived upon. And so do you say that, okay,
15 so if you reward visitation, whoever has the most
16 visitors gets the most money, then clearly a lot of the
17 money would go to some of the very large operations
18 down in the desert perhaps.

19 On the other hand, if you said we're going to
20 reward somebody that just has this beautiful trail
21 system that winds through the mountains, it's very
22 bucolic and just a few quiet vehicles traveling along
23 the trails, that's a totally different picture and how
24 do you find some way to compare side by side riding
25 opportunities that are vastly different throughout the

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1 state, from a small county operation where it may be a
2 few acres of intensive use to perhaps a forest in
3 Northern California where there's dispersed use that is
4 not so much dense like it is in the counterpart, in
5 Southern California where you have very high-intensity
6 use. What we came up with in this instance, of course,
7 is that where there is that density of value that you

8 can compare all of those things side by side, without
9 regards for who has the most land, who has the most
10 visitors. It's a comparative ratio, so maybe --

11 VICE-CHAIR ANDERSON: I understand that, and I
12 don't disagree with what you've done. I'm just
13 wondering over the long-term, okay? You have this
14 density number, which is probably going to track
15 perhaps the same from year to year to year to year to
16 year that the bucolic trail system through the pines of
17 Northern California and the intense party group
18 activity in the Imperial Sand Dunes is probably also
19 going to track from year to year.

20 Was there any intent that this question, beyond
21 a measure of need, if you'd like, okay, in putting
22 dollars where they were used, you assign five points,
23 eight points, ten points. Your choice of how many
24 points to give to your opportunity ratio is a measure
25 of how important you think that element is in the

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1 overall grant process, okay? First some other
2 question, all right?

3 What will you do next year? Are you looking for
4 changes? If you considered that next year perhaps
5 maybe the intensity in some area -- I don't even know
6 where to pick, say Jawbone, is either greater or less
7 than it was in the past, how will that be echoed and
8 how will you see that? Will there be any comparisons
9 from year to year in the future that would reflect an
10 effort that the agency is making to change that number
11 to something that is closer to being ideal, whatever we
12 think is ideal?

13 CHIEF JENKINS: That is certainly something that
14 as we move forward we could consider. And also keeping
15 in mind that if the -- as you said, you can place more
16 or less points on this particular criterion. And as we
17 move forward, we may see that it needs to be lowered or
18 raised because clearly while we have done a lot of
19 changes this year, we know that there will be places
20 that can be either strengthened or cut out or changed
21 for next year. So we fully intend to be looking for
22 that kind of input and working with the public to find
23 those kinds of responses.

24 But to put this one in context, I think what we
25 were getting at is that we're not saying that

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1 everywhere intensive use is appropriate. I think what
2 we were trying to get at on this one was where do we
3 get the most value for dollar invested. And then
4 that's balanced by other criteria throughout the
5 application that asks how they're protecting the
6 resource, how they're managing their trail system. And
7 so we wanted to combine those two thoughts of we're
8 getting good value for our investment here while at the
9 same time with that density of use, whatever that may
10 have been, we are still able to protect the
11 environment.

12 VICE-CHAIR ANDERSON: Okay. So dollars to
13 dollars to users, sort of is what we're getting at,
14 rather than simply a question of density?

15 CHIEF JENKINS: Correct. So when we give, say,
16 \$5,000 to a small county park and we give \$500,000 to a
17 very large federal land, we may be dollar to rider in
18 the same ballpark, and this is a way to look at that

19 matrix side by side.

20 VICE-CHAIR ANDERSON: Okay.

21 OHV STAFF CHANCEY: I have one other thing that

22 I would like to bring to the attention of the

23 Commission. Because the general criteria for an

24 applicant will apply to their projects, if the

25 Commission chooses to change the general criteria

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1 score, it will affect all of the projects from that
2 applicant.

3 VICE-CHAIR ANDERSON: Yes, I did figure that
4 out.

5 CHIEF JENKINS: And I just want to point out
6 that that is to address -- there was some concern last
7 year that while both the Division and I think the final
8 scoring, in some cases, an applicant may have answered
9 the same question on multiple projects and received
10 different scores on the different projects. So that
11 was what we were responding to, when we pulled that out
12 and said if it's a common question, let's answer it
13 once, let's score it once, that way we won't make that
14 mistake again.

15 VICE-CHAIR ANDERSON: Was there any
16 opportunity -- given what you've just said about the
17 importance of the answers to the general criteria
18 questions, was there any opportunity for the staff
19 evaluating these grants to discuss the answer to a
20 question where the staff and the applicant disagreed
21 and where there was nonconcurrency?

22 OHV STAFF CHANCEY: We did not approach any
23 question where we felt that we needed a clarification

24 from the applicant, that our scoring teams came to
25 unanimous decisions on all of the scores. So we did 157

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1 not have that situation where we felt like we needed to
2 go back to an applicant to clarify anything.

3 VICE-CHAIR ANDERSON: Okay. Just because I'm
4 the kind of person that I am, when you're ready, I want
5 to address that in one particular instance. I would
6 presume that given the importance of these particular
7 scores to all of an applicant's project, that the staff
8 would have given extra attention to the points
9 assignment in this category, and that's why I'm looking
10 at it because they do echo through all of the other
11 applications -- all of the projects from that
12 applicant.

13 CHIEF JENKINS: And keeping in mind that that's
14 partly the process that we're here for today is for the
15 applicants to speak directly to you and bring those
16 items to your attention.

17 VICE-CHAIR ANDERSON: Okay.

18 OHV STAFF CHANCEY: And just to note also,
19 Ms. Anderson, that in the entire process of 166
20 applicants with multiple questions, we only changed the
21 scores on about 30.

22 VICE-CHAIR ANDERSON: That's small.

23 CHAIR BRISSENDEN: Allen, are you through with
24 your general overview? And if I can turn it back to
25 the Commission for questions and comments.

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OHV STAFF CHANCEY: I am.

CHAIR BRISSENDEN: Commission McMillin toward the end, please.

COMMISSIONER McMILLIN: I wanted to make a general comment, and that is I kind of like the new system even though it is still complex. I don't know how to make it any simpler, but I think there's been an attempt to do it here, and I think you've accomplished that, depending on what happens in the next 48 hours, to take a lot of the subjectivity out of this. And I like the general criteria, the specific criteria, and even the opportunity summary on where the money -- you know, with limited sources, got to put the money where we can get the best use out of it and get the highest use for the dollar. And as far as the perfect amount of people in any one area, as this state continues to have population growth, there's always going to be a certain percentage that are going to want to be out in the field, so that's something we've got to manage the situation where the people are.

CHAIR BRISSENDEN: Anything else, Mark.

COMMISSIONER McMILLIN: That's it.

CHAIR BRISSENDEN: Commissioner Thomas.

COMMISSIONER THOMAS: Explain again how the opportunity summary ratioing works because it's not

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clear to me. In other words, where in the process does it modify the score?

OHV STAFF CHANCEY: Okay. You can look on one of your screens, you can see that, first, we talk about the non-over-snow opportunity. We look at the months that the trails are open, because many trails only have

7 a season because of the snow.

8 COMMISSIONER THOMAS: I understand how the
9 ratioing works, but how does it affect the scoring? In
10 other words, how does it affect the Division score? Is
11 it part of the Division score?

12 CHIEF JENKINS: It's part of the general
13 criteria, right?

14 OHV STAFF CHANCEY: Correct.

15 VICE-CHAIR ANDERSON: Five of 62.

16 COMMISSIONER THOMAS: Five of 62 maximum points.

17 VICE-CHAIR ANDERSON: Yes.

18 COMMISSIONER THOMAS: Okay. It's not an
19 overlay, it's just an element.

20 VICE-CHAIR ANDERSON: Yes.

21 COMMISSIONER THOMAS: Okay. Thank you.

22 OHV STAFF CHANCEY: Okay.

23 CHAIR BRISSENDEN: Commissioner Spittler, you had
24 some comments?

25 COMMISSIONER SPITTLER: I would just like to 160

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1 comment that I think the staff recommendations on the
2 Restoration grants this year are excellent.

3 OHV STAFF CHANCEY: Thank you, sir.

4 CHAIR BRISSENDEN: That's all you're going to
5 say this morning?

6 COMMISSIONER SPITTLER: For now.

7 CHAIR BRISSENDEN: Having two kids and getting
8 through law school really has modified your approach.

9 Judith, did you have anything else?

10 VICE-CHAIR ANDERSON: New perspective.

11 CHAIR BRISSENDEN: Judith, did you have anything

12 else?

13 VICE-CHAIR ANDERSON: Not at this point.

14 CHAIR BRISSENDEN: Well, I, too, would like to
15 comment on the excellent approach this year. You all
16 are wizards, so to the entire Division staff on grants,
17 thank you. It was very clever to produce a document
18 and a grants scoring system in recommended amounts that
19 basically we can't wiggle through. So to that end, we
20 will save a lot of time, I believe. And hopefully when
21 you get on the ground and make these comparisons to
22 what they actually say they were going to do, they
23 would also be accurate. Maybe that 33 or 30 that we're
24 in disparity will be reduced considerably when you
25 inspect them on the ground, so thank you all.

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1 VICE-CHAIR ANDERSON: Just a generic comment.

2 CHAIR BRISSENDEN: Generic comments are welcome.

3 COMMISSIONER THOMAS: Silence is not assent at
4 this point. Just a second while you're getting ready.

5 The fact that we have no apparent discretion
6 because we can't penetrate the model, doesn't give me
7 great comfort nor should it give the public great
8 comfort because the oversight role of the Commission is
9 to penetrate the model and to modify according to what
10 the public says and what we believe as independent
11 reviewers. There are great improvements in the model,
12 for instance, funding 100 percent is a great
13 improvement. It doesn't chop up a guy's program, and I
14 think that you're to be commended for that. It's good
15 work.

16 I think the operators of the model have done
17 their best, have done a good job and tried to take an

18 inherently subjective activity and add numbers to it to
19 make it look objective, but in the end it's not
20 objective. It's a subjective process. We're here to
21 make a decision based on information based on our
22 subjective view of what the public tells us and what we
23 review. Adding a number, ten, five, six, or seven
24 doesn't modify one's belief structure. It just says
25 that it's belief number -- two points is one-fifth of

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1 ten points. And it's still a belief, and it's still a
2 value assigned it. You just don't get away by adding
3 numbers.

4 But the legislature in next year's Commission
5 has removed the discretion from the Commission. The
6 modeling and the regulations have removed discretion
7 from the Commission, so we get the program we want. So
8 we got it. Thank you.

9 CHAIR BRISSENDEN: Judith, did you come back to
10 your generic?

11 VICE-CHAIR ANDERSON: Yes. I will say this,
12 that I was disappointed that for, I think, the third
13 year in a row, I really asked to be involved within the
14 development of this process so that I would understand
15 it better by attending one of the training
16 opportunities, and I'm sorry I didn't hear when they
17 were held or how I might have done that, but I did ask
18 at the Commission meeting last spring.

19 DEPUTY DIR. GREENE: Commissioner Anderson, if I
20 may, I know that we sent out announcements to all
21 interested parties -- which would certainly include
22 yourself, so we will go back and look at that -- but

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23 all Commissioners included would have gotten
24 notification of that workshop both in an e-mail and in
25 hardcopy. So I know that we tried, and I know in my 163

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1 reports that I indicated when those workshops, I
2 believe, were going to be. So we'll go back and make
3 sure of that and follow up with you.

4 CHAIR BRISSENDEN: Thank you. Any further
5 thoughts on the process? Okay. We need a break in
6 about a half an hour for the person transcribing this
7 information, so I guess some procedural questions.

8 On the two categories that are fully funded, I
9 would entertain a motion and get those off the agenda
10 at this point.

11 COMMISSIONER THOMAS: So moved.

12 CHAIR BRISSENDEN: So moved. Maybe I should
13 identify those two categories?

14 COMMISSIONER THOMAS: Go ahead.

15 CHAIR BRISSENDEN: One being Restoration and the
16 other being Conservation.

17 COMMISSIONER McMILLIN: I'll second that with
18 any chance of adding the whole thing to it?

19 CHAIR BRISSENDEN: Well, Mark, I'm going to make
20 you the assistant to the vice-chair, and if you want to
21 go through these various requests, I would be happy to
22 break for a few minutes, and you can sort through that,
23 but I think that we may at least hear from a few about
24 their concerns.

25 COMMISSIONER McMILLIN: I'll second the motion 164

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1 to approve Restoration and Conservation, both fully
2 funded.

3 CHAIR BRISSENDEN: It's been moved and seconded.
4 Are there any comments? Commissioner Spittler, there's
5 no comment?

6 So all of those in favor?

7 (Commissioners simultaneously voted.)

8 CHAIR BRISSENDEN: Opposed? The motion carries.

9 COMMISSIONER SPITTLER: Do we need to do public
10 comment on that?

11 CHAIR BRISSENDEN: Consent, I don't think you
12 have public comment, but I could be corrected. It's a
13 done deal, so no one raised to the podium.

14 ATTORNEY LaFRANCHI: Mr. Chairman, maybe this
15 would be a good time to go over again the Consent
16 Calendar process and how it works.

17 Generally the Consent Calendar, as everybody
18 knows, it's been labeled, the application list and
19 spreadsheets have been labeled Consent Calendar.
20 Unless a member of the public or one of the
21 Commissioners requests an item be removed from the
22 Consent Calendar, which would mean a request was made
23 to remove one of the items and have it considered
24 individually, then the Consent Calendar is adopted
25 without opportunity for discussion. But it should -- I
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1 just wanted to note as a point of order that the public
2 will be given -- should be given an opportunity, in my
3 discussions with the Chair earlier, to express whether
4 they want to have an opportunity to comment. If there
5 are no specific requests to pull an item off of the

6 spreadsheet, then those items that remain on the
7 spreadsheet would be considered without further
8 discussion or public discussion.

9 CHAIR BRISSENDEN: So I will slap my heavy hand
10 for moving forward so quickly.

11 Did anybody want to comment on those two items?

12 COMMISSIONER THOMAS: Want to remove an item
13 from Consent, that would be the question.

14 CHAIR BRISSENDEN: Right, on the fully-funded
15 items.

16 COMMISSIONER McMILLIN: You're referring to
17 Conservation and Restoration?

18 CHAIR BRISSENDEN: Correct. Seeing none, I will
19 move forward.

20 COMMISSIONER THOMAS: You can make your motion
21 again?

22 CHAIR BRISSENDEN: Do you want to make the
23 motion for the balance of the --

24 COMMISSIONER THOMAS: No, we better make the
25 motion again now that we've asked for public comment to
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1 make sure that the record is clear.

2 CHAIR BRISSENDEN: All right. Sorry for the
3 procedural error.

4 COMMISSIONER THOMAS: Now, I'm going to move it
5 again, let's see, it's move the Consent for Restoration
6 and Conservation. And the second?

7 COMMISSIONER McMILLIN: Second.

8 COMMISSIONER SPITLER: I'm going to oppose it.

9 COMMISSIONER THOMAS: Oh good, we needed one
10 vote.

11 COMMISSIONER SPITLER: No, I'm not.
12 COMMISSIONER THOMAS: Try it. Go ahead.
13 CHAIR BRISSENDEN: Under discussion,
14 Mr. Spittler, you're starting to perform to form.
15 COMMISSIONER THOMAS: I move the question.
16 CHAIR BRISSENDEN: All those in favor?
17 (Commissioners simultaneously voted.)
18 CHAIR BRISSENDEN: Opposed? Motion carries a
19 second time.
20 COMMISSIONER THOMAS: That's two out of three.
21 Let's keep going.
22 CHAIR BRISSENDEN: Do you want to move on?
23 Mr. McMillin, do you want to try Law Enforcement or the
24 rest of them, and we'll see where we are?
25 COMMISSIONER McMILLIN: I'll make a motion to

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1 approve the Law Enforcement, and then I guess go and
2 figure out who wants to pull what.
3 CHAIR BRISSENDEN: Do I have a second on that?
4 COMMISSIONER THOMAS: I'll second that.
5 CHAIR BRISSENDEN: I do have several Law
6 Enforcement comment cards that were dated today, so I
7 will start with Mr. Jim Keeler, followed by Lieutenant
8 John Williams.
9 COMMISSIONER McMILLIN: We're looking for just
10 comments or are we looking for people that actually
11 want to pull which items? We need to figure that out
12 first.
13 COMMISSIONER THOMAS: We have to have a request
14 to pull an item from the Consent Calendar.
15 CHAIR BRISSENDEN: So I have Mr. Jim Keeler, and
16 then Lieutenant John Williams, followed by Todd

17 Ellsworth.

18 COMMISSIONER THOMAS: I would hope that the
19 group that's pulling items would only be listed from 37
20 to 49. And if you're not, you're a damn fool.

21 CHAIR BRISSENDEN: Well, let's don't start
22 cursing at the applicants here.

23 COMMISSIONER THOMAS: That's a term of art.
24 That's an Oroville term of art, not a curse, sir.

25 CHAIR BRISSENDEN: I forgot where you practice
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1 Law. Go forward.

2 COMMISSIONER McMILLIN: Name, rank and serial
3 number.

4 COMMISSIONER SPITLER: A procedural question
5 here. This isn't the public comment? This is just the
6 request to --

7 CHAIR BRISSENDEN: Just to request an item.

8 VICE-CHAIR ANDERSON: It's just a request?

9 CHAIR BRISSENDEN: If you wish an item to be
10 taken off, and who will be noting these?

11 ATTORNEY LaFRANCHI: Maybe we can clarify a
12 little bit. That's exactly right; this would only be
13 to request that an item be pulled off, so that you end
14 up with two agenda calendars, one, a Consent Calendar,
15 and a second one, a list of individual items that need
16 to be taken up individually, in which case comments on
17 that individual item would be taken up at the time you
18 consider that individual item.

19 VICE-CHAIR ANDERSON: So which item, Mr. Keeler?

20 JIM KEELER: I'm Jim Keeler, BLM California
21 State Office. I'm speaking for Rich Williams, who is

22 up inside right now. As long as it stays that way,
23 we're fine. The problem is that if we begin moving
24 other grants up --

25 COMMISSIONER SPITLER: Mr. Keeler, this is to 169

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1 request items to come off the Consent Calendar. Do you
2 have an item that you're requesting to come off the
3 Consent Calendar?

4 JIM KEELER: At that this time, I don't.

5 CHAIR BRISSENDEN: I need to apologize to my
6 Commissioners and the public. Mardi is sorting us out
7 here. The yellow are the ones who wish to have Consent
8 items removed, and we sorted those through. Jim, you
9 have one that's related on another category. So if I'm
10 correct in that, it's not quite like playing blackjack
11 here.

12 COMMISSIONER SPITLER: If we could just maybe
13 call up the individuals who are requesting items to
14 come off the Consent Calendar for enforcement?

15 CHAIR BRISSENDEN: Okay.

16 COMMISSIONER THOMAS: If they don't have an
17 item, they need to be there.

18 JIM KEELER: We have a unique issue here in that
19 Bishop and the Inyo National Forests were denied
20 points, and we were told the only venue we have to
21 correct an error what was apparently an error, was to
22 appear in front of the Commission.

23 COMMISSIONER THOMAS: But at this stage, it's
24 either off the agenda or on the agenda.

25 COMMISSIONER SPITLER: The only question is do 170

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1 you want an item to come off of the Consent Calendar?

2 JIM KEELER: At this point I will pull BLM
3 Bishop G07-01-05-L01.

4 COMMISSIONER McMILLIN: What's the number in the
5 left lane?

6 JIM KEELER: No. 31.

7 TODD ELLSWORTH: Todd Ellsworth, Inyo National
8 Forest, and I think I was the third one to speak, but
9 this time I'll speak to Law Enforcement.

10 CHAIR BRISSENDEN: We're just pulling items at
11 this point.

12 TODD ELLSWORTH: I'd like to pull Item No. 37
13 off of the Consent Calendar.

14 COMMISSIONER THOMAS: It's not on the Consent.

15 COMMISSIONER SPITLER: It is on the Consent as a
16 non-funded.

17 Mr. Keeler, you realize that you're pulling an
18 item off of the Consent Calendar that has received a
19 score that will give it 100 percent funding?

20 JIM KEELER: That's correct, as long as we don't
21 add another projects above it.

22 COMMISSIONER SPITLER: I understand the system.
23 I'm just making sure you do.

24 JIM KEELER: Yes, I do, and it's interesting
25 either way. I don't know how to deal with it.

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1 CHAIR BRISSENDEN: So I have Ed Waldheim, who
2 says all, so I assume you have a Law Enforcement item
3 that you want to pull from Consent. Ed is not fully.
4 And then I have Lester requesting a specific FOAM, I

5 guess, never mind.

6 ED WALDHEIM: Mr. Chairman, Ed Waldheim for
7 CORVA. I put that for all of the issues to be talked
8 about. I thought that you were going to be talking
9 about the grants as you go on. I have nothing at this
10 point. I hope that the folks understand that the staff
11 did an incredible job on --

12 COMMISSIONER SPITLER: Mr. Waldheim, this is
13 just for pulling items.

14 (Simultaneously speaking, inaudible.)

15 ED WALDHEIM: Thank you, Mr. Spitler.

16 CHAIR BRISSENDEN: I have John Stewart with
17 nothing under what you would like to remove. So I
18 assume you don't want anything removed; same with Don
19 Klusman. Todd, you've already spoken. David Michael
20 and Ann Griffith, the Tahoe National Forest, law
21 enforcement in general.

22 DAVID MICHAEL: Yes, we will keep the -- David
23 Michael, Tahoe National Forest. Yes, we'll keep that
24 on Consent.

25 CHAIR BRISSENDEN: Just appear if you want to 172

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1 take something off, and sorry for my lack of clarity
2 here. Anne Carey, Cleveland National Forest, you're
3 requesting two items to be pulled from the Consent
4 agenda; is that correct?

5 ANNE CAREY: I would just look to clarify and
6 just remove No. 40, the Wildomar.

7 OHV STAFF STALLCOP: State your name for the
8 record.

9 ANNE CAREY: Anne Carey, Cleveland National

10 Forests.

11 CHAIR BRISSENDEN: Item 40 only?

12 ANNE CAREY: Item 40. Thank you.

13 CHAIR BRISSENDEN: Sky Zaffarano from Redding.

14 SKY ZAFFARANO: Sky Zaffarano, Redding BLM. You
15 can disregard that one, leave it on.

16 CHAIR BRISSENDEN: Okay. Thank you, Sky.

17 Sylvia Milligan has clarification on No. 19, No. 19 of
18 which category?

19 SYLVIA MILLIGAN: Non-CESA.

20 CHAIR BRISSENDEN: Okay. Don Harris, Humboldt-
21 Toiyabe, I'm not certain which category. This looks
22 like LE. Don, you wish to have an item pulled? No.

23 Bruce Cann, BLM, No. 23, you're really certain
24 about that?

25 BRUCE CANN: No, leave it on.

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1 CHAIR BRISSENDEN: Tuolumne County, Keith
2 Lunney.

3 KEITH LUNNEY: Keith Lunney, Tuolumne County
4 Sheriff's Office. I would like Item 46 pulled from
5 Consent, please.

6 CHAIR BRISSENDEN: Item 46. Appears to be all
7 of the items wished to be pulled. Did you keep an
8 accurate list over there?

9 OHV STAFF CHANCEY: We are.

10 CHAIR BRISSENDEN: And what we have a total of,
11 if you can put that in order?

12 COMMISSIONER THOMAS: And I might add to the
13 BLM, if you add the numbers up, and we granted changes
14 on all three of the others, you still wouldn't be
15 affected, so you might want to change your mind because

16 if we funded all others that are off Consent, you're
17 still funded.

18 COMMISSIONER McMILLIN: Jim, if you pull your
19 item and we approve the Consent Calendar, you're not
20 going to get any money.

21 JIM KEELER: This is very difficult. I will
22 withdraw my withdrawal.

23 COMMISSIONER McMILLIN: Well done.

24 CHAIR BRISSENDEN: So we're down to three.
25 Procedurally I guess we can't --

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1 COMMISSIONER THOMAS: I move the Consent
2 Calendar as modified by the withdrawals of three items,
3 36, 40, and 46.

4 CHAIR BRISSENDEN: Point of clarification, if
5 we're -- our funding is exhausted with those that were
6 not pulled in and the three that are nonfunded, and we
7 pass the Consent agenda, what room do we have?

8 ATTORNEY LaFRANCHI: Well, maybe we need to make
9 a bit of a procedural shift on the fly here, which
10 would be consider the three that have been requested to
11 be considered individually, determine whether or not
12 the scores are going to change, and then after you've
13 done that, give the public an opportunity one more time
14 to determine whether they want the rest of them to stay
15 on Consent or not, that way it would give -- I think it
16 would solve both problems.

17 COMMISSIONER McMILLIN: Maybe not all of them,
18 but the ones that would then adversely affect.

19 ATTORNEY LaFRANCHI: Yes, I would expect -- say
20 the three you do consider move up into the money, and

21 three, the bottom three drop out of the money, maybe
22 only those three would be interested in having you
23 consider those three again. But that would be my
24 assumption.

25 COMMISSIONER McMILLIN: I would second that

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1 motion with that procedural criteria.

2 CHAIR BRISSENDEN: I'm not clear on that at all.

3 In other words, we're going to approve the funding, and
4 if we bounce points around, we're going to reopen
5 again. That seems rather backwards.

6 COMMISSIONER McMILLIN: We're going to approve
7 on the Consent Calendar pulling the three that were
8 pulled, and we're going to give one last peek to the --
9 if we change those three scores and it changes somebody
10 in the bottom two or three, we might give those three,
11 if they wish, an opportunity to come up here and change
12 their score to stay in the running, but not open up
13 everybody above that.

14 VICE-CHAIR ANDERSON: Why don't you just take
15 off those bottom two, which is all that's sufficient to
16 cover?

17 CHAIR BRISSENDEN: I have a motion on the floor
18 and a second, I believe.

19 COMMISSIONER SPITLER: You don't have a motion
20 because it was a comment made by counsel.

21 CHAIR BRISSENDEN: I thought there was a motion
22 to move the Consent Calendar. Mark, did you make that
23 or Hal?

24 COMMISSIONER THOMAS: I made the motion, but it
25 was moved and seconded.

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1 CHAIR BRISSENDEN: Then Mark seconded.

2 COMMISSIONER SPITLER: The Consent Calendar,
3 we're not approving funding levels. When we approve
4 the Consent Calendar, we're approving the scores that
5 the staff has recommended. So to the extent that we
6 approve those scores, it would be as if we had
7 discussed those items individually and approved that
8 score. The only difference is we're doing it en mass,
9 so.

10 CHAIR BRISSENDEN: The score, not the funding --
11 and the funding?

12 COMMISSIONER SPITLER: The score translates into
13 the funding. But if other scores are later moved to be
14 higher than those scores, then that score could
15 translate that a different funding level.

16 VICE-CHAIR ANDERSON: Then I'll move --

17 CHAIR BRISSENDEN: I have a motion and a second
18 on the floor for moving the Consent Calendar. Do you
19 want to amend that in some way?

20 VICE-CHAIR ANDERSON: Yes, I'd like to add items
21 35 and 36 to the list we're taking off of the Consent
22 Calendar.

23 COMMISSIONER THOMAS: I'm not willing to accept
24 that because the net effect of what was just outlined
25 to us is you get the same result, and they get

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1 certainty. And I don't want to disrupt their
2 certainty.

3 CHAIR BRISSENDEN: Do we have a second on the
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4 amendment? Having heard none, all of those in favor of
5 the original motion say aye.

6 (Commissioners simultaneously voted.)

7 CHAIR BRISSENDEN: Opposed?

8 VICE-CHAIR ANDERSON: I'm not voting.

9 CHAIR BRISSENDEN: So we have four ayes and one
10 abstention. The motion carries.

11 So we will hear from those three, if you would
12 call those out in order, and if you'll be ready to
13 comment and --

14 VICE-CHAIR ANDERSON: Did you want to take a
15 break?

16 CHAIR BRISSENDEN: In about ten minutes.

17 VICE-CHAIR ANDERSON: A procedural question, had
18 you considered looking at the non-CESA projects again
19 for Consent Calendar?

20 CHAIR BRISSENDEN: We will be.

21 VICE-CHAIR ANDERSON: But you're going to deal
22 with all of the Law Enforcement questions first and
23 then come back?

24 CHAIR BRISSENDEN: Right.

25 So, Allen, do you want to call up the staff

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1 person who is responsible for the first Consent item
2 that was pulled, and I don't have those numbers.

3 COMMISSIONER THOMAS: 37, Inyo National Forest.

4 OHV STAFF CHANCEY: Yes, that's John Pelonio.

5 OHV STAFF PELONIO: Good afternoon, John

6 Pelonio, Division staff. Law enforcement projects were
7 originally allocated \$5 million. It was adjusted
8 yesterday to \$6,833,000. The total requested amount

9 was \$8,686,000.

10 The first project that was removed from Consent
11 would be Item No. 37, U.S. Forest Service, Inyo
12 National Forest, Law Enforcement. The total project
13 score was 80.36. The funding requested was \$155,000.

14 CHAIR BRISSENDEN: If you could make your
15 comments brief as to why.

16 TODD ELLSWORTH: Certainly. This is Todd
17 Ellsworth --

18 CHAIR BRISSENDEN: Compelling.

19 TODD ELLSWORTH: Compelling -- Inyo National
20 Forest, good morning, Commissioners.

21 If you look on your sheet, the applicant's score
22 criteria, we scored that as a 94, and the Division
23 rescored our application to a 90, and the reason for
24 that was in Section 3(b). It stated that the applicant
25 performs OHV-related patrols with agencies with

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1 concurrent jurisdiction and that was disallowed. We
2 put down the Bureau of Land Management. That was
3 disallowed saying that the bureau of -- the Division
4 said the Bureau of Land Management has adjacent
5 jurisdiction, but we actually do have concurrent
6 jurisdiction, and we do have an MOU with the Bureau of
7 Land Management for that.

8 CHAIR BRISSENDEN: Any comments, questions from
9 Commission?

10 COMMISSIONER THOMAS: How about from staff?

11 CHAIR BRISSENDEN: Or staff.

12 CHIEF JENKINS: I think this is a situation that
13 we just recently became aware of. At the time that we
14 were scoring these, our understanding of the way that

15 we read this application was that there were
16 jurisdictions that were side by side, the two agencies
17 had common boundary, in other words. And we didn't
18 fully understand from the application that they
19 actually had that concurrent jurisdiction back and
20 forth. So we at the time had disallowed those points.

21 COMMISSIONER THOMAS: Would you recommend a
22 change?

23 CHIEF JENKINS: Based on what information is
24 before us now, that would be correct. I think they
25 deserve those points.

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1 COMMISSIONER THOMAS: So what effect will that
2 have?

3 CHIEF JENKINS: You mean on the total score? So
4 they would get the --

5 COMMISSIONER THOMAS: Tell us what we can do
6 because the amount -- help us out by telling us if we
7 had to add ten more points, how will that ripple
8 through the system?

9 CHIEF JENKINS: In this case, I believe
10 you would --

11 COMMISSIONER SPITLER: What would the change in
12 score be for this applicant?

13 CHIEF JENKINS: You would change four points,
14 but then that four points --

15 COMMISSIONER THOMAS: Ask your battery of
16 experts.

17 CHIEF JENKINS: Ask the wizard to tell me how
18 that affects the final score.

19 OHV STAFF CHANCEY: I'm not the wizard. We're

20 calculating.

21 COMMISSIONER SPITLER: I'm not sure what the
22 issue is here.

23 ATTORNEY LaFRANCHI: I think what we need to do
24 is recalculate. If you look at the column under total
25 project Consent, 8.36, by adding four points to the

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1 Division score in the brown column, that would up that
2 percentage by some couple of points. So we need to
3 recalculate it.

4 CHIEF JENKINS: In other words, there's not just
5 100 points possible each time, so when you add, it just
6 doesn't add four to the total. It adds -- so we're
7 doing the math behind us right now.

8 OHV STAFF CANFIELD: Dan Canfield, OHV Division.
9 The change in the score proposed would change their
10 total project percent to 83.93.

11 COMMISSIONER THOMAS: Okay. Very good.

12 So is there any action required by the
13 Commission to make that change?

14 COMMISSIONER SPITLER: We would need a motion
15 and a second.

16 COMMISSIONER THOMAS: I'll make the motion.

17 CHAIR BRISSENDEN: It's been moved.

18 COMMISSIONER THOMAS: On the recommendation of
19 staff, I'll make that motion.

20 VICE-CHAIR ANDERSON: I'll second that.

21 CHAIR BRISSENDEN: It's been moved and seconded.
22 Any questions, comments?

23 COMMISSIONER McMILLIN: So, Phil, was this
24 information that you just learned today not reflected
25 on the application correctly?

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1 CHIEF JENKINS: This is one where the answer
2 that they gave, knowing the information they had gives
3 that information, our understanding of their system, we
4 didn't understand what it is they were saying. So they
5 gave us that information on the application, we did not
6 understand essentially how to interpret that, also we
7 made the wrong interpretation on that.

8 CHAIR BRISSENDEN: So within this wizardry
9 system, there is human frailty?

10 CHIEF JENKINS: Interpretation.

11 COMMISSIONER THOMAS: It's nice of you not to
12 say error, I like that. That's good. You're a
13 diplomatic man.

14 CHAIR BRISSENDEN: So it's been moved and
15 seconded that this score be altered to reflect the new
16 score. All those in favor?

17 (Commissioners simultaneously voted.)

18 CHAIR BRISSENDEN: Opposed? Motion carries.

19 OHV STAFF PELONIO: The next one would be Item
20 No. 40.

21 CHAIR BRISSENDEN: Before we move on, I've been
22 reminded that it's now 10:30. We will take a 10-minute
23 break and come back to these last two items. Thank you
24 for your patience.

25 (Break taken in proceedings.)

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1 CHAIR BRISSENDEN: Bring the meeting back to
2 order, please. So we have two others to consider.
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3 OHV STAFF PELONIO: Item No. 40, Cleveland
4 National Forest, Wildomar OHV Area Law Enforcement
5 project. The applicants scored themselves at 90
6 points. The Division's score was 88 points. The
7 request amount was \$67,000.

8 ANNE CAREY: Good morning, Anne Carey, Cleveland
9 National Forest. For Item 4(b), there was a two point
10 reduction by the Division, and it was regarding
11 deliverables, and I've handed out an amendment to the
12 project. The Cleveland National Forest reported our
13 projects for the granting cycle '05/'06, and during the
14 year, we had the Horse fire and asked for an extension
15 on all of our grants. So on Item 4, we listed the
16 percentage of the grant that had been completed. And
17 the comments by the Division indicated that the grant
18 was incomplete and only represented a 50 percent
19 completion. And so we just wanted to clarify that the
20 reason only 50 percent of the grants have been
21 completed was because we asked for an extension due to
22 some severe fires we had in our area.

23 CHAIR BRISSENDEN: Any comments or questions
24 from Commissioners?

25 COMMISSIONER McMILLIN: Was that extension

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1 granted?

2 ANNE CAREY: It was granted. I have 13 copies
3 of the extension, and I've been trying to pass them
4 around. I'm not real sure...

5 COMMISSIONER McMILLIN: Okay. Does staff have a
6 comment on that? Is he missing?

7 ANNE CAREY: It might be a moot point because

8 the 90 might be below the bubble, but.

9 COMMISSIONER THOMAS: Run the numbers. It's
10 always better to run the numbers.

11 VICE-CHAIR ANDERSON: Still trying to find the
12 right page.

13 ANNE CAREY: It's on page 220, Item 4(b).

14 VICE-CHAIR ANDERSON: Oh, it's that one.

15 COMMISSIONER McMILLIN: She's looking for that
16 difference.

17 VICE-CHAIR ANDERSON: Thank you.

18 CHAIR BRISSENDEN: Given that applicant is not
19 certain about the actual final score, could our staff
20 calculate what that might be?

21 COMMISSIONER SPITLER: Final score would be
22 80.36. So even with this addition, we're --

23 OHV STAFF PELONIO: If I could clarify
24 something, John Pelonio with Division staff.

25 CHAIR BRISSENDEN: Please.

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1 OHV STAFF PELONIO: If you look at Item 4, we've
2 got the data that they entered where they put 60
3 percent of the deliverables were achieved and that they
4 did request an extension. And then Item 4(a), where
5 they get their points, they were allowed -- they
6 checked the box, no request for extension other than
7 for acts beyond the applicant's control, and they got
8 the two points for that because the fire was obviously
9 beyond their control. We concurred with that, so those
10 are the points that are tied to the extension.

11 The next item, 4(b), is the percentage of
12 deliverables accomplished. They checked 90 percent
13 accomplished; however, their data that they provided up

14 above was only 60 percent accomplished, so we reduced
15 the points to match that statement.

16 CHAIR BRISSENDEN: Any further comment on that?

17 ANNE CAREY: Well, with the 60 -- well, we
18 needed the extra time, and so we had 60 percent
19 completed.

20 CHAIR BRISSENDEN: Okay. Comments, questions
21 from Commissioners? Do I hear a motion?

22 VICE-CHAIR ANDERSON: I'm still confused.

23 COMMISSIONER THOMAS: I'm trying to figure out
24 what the staff's answer was. I don't understand the
25 staff's answer.

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1 CHIEF JENKINS: I think what Mr. Pelonio was
2 saying, there's two different ways that we would look
3 at how points would be awarded based on past
4 performance. One would be just on a raw, how much have
5 you achieved so far today, and that just gives you one
6 part of that score. The other is have you worked
7 within the time frames involved. So there are two
8 factors that we look at when we're looking at the
9 performance on those grants. One is the raw percentage
10 achieved, and one is have you performed it within the
11 time period.

12 So the raw percentage achieved, 60 percent, we
13 scored based on that. That's where he's saying that
14 our look at that, they said 60 percent and they checked
15 the 90 percent box, and we said, no, we're going to
16 give you the appropriate points for 60 percent.
17 However, on the half you worked within the time frame
18 that we originally gave you, they said we have an

19 extension that you approved, so we did not remove any
20 points for that factor. So of the two things we looked
21 at, we did not remove points for the fact that they had
22 asked for an extension.

23 COMMISSIONER THOMAS: Right. But wouldn't -- if
24 the 60 percent number is as a result of the fire, you
25 wouldn't penalize them, would you? In other words,

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1 maybe I don't understand. Is the fire the fact of the
2 past performance, was the fire part of that? Was the
3 deficiency of the 60 percent a result of the fire in
4 any way or is it just that's just unrelated.

5 CHIEF JENKINS: That's just -- the way we had
6 set these up, it's one of those that every system may
7 have something that we would want to look at
8 differently in the future based on when you see real
9 world situations coming in. But the way this metric
10 was set up it was just strictly a raw, how far along
11 are you in project. It's not intended to be bad or
12 good or indifferent. It's just where are you in the
13 project, 60 percent, and that achieves a certain score.

14 COMMISSIONER THOMAS: No, I understand the
15 system. I'm just asking is the deficiency of past
16 performance due to events beyond their control that are
17 being presented to us today; is that what's going on?

18 CHIEF JENKINS: It certainly would appear that
19 way, but my concern would be that if we were to change
20 from the metric that is here, 60 percent achieved
21 receives X amount of points, there could be any number
22 of people that said, I've only gone this far in mine,
23 there is some reason I am not further along. There are
24 explanations always about why they are where they are.

25 So this is not intended to be judgmental in any sense.
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1 It's just factual.

2 COMMISSIONER THOMAS: This is called strict
3 liability. That's the term. You're strictly liable
4 for performance regardless of fault.

5 CHIEF JENKINS: If you say that's the legal
6 term, I believe it.

7 COMMISSIONER THOMAS: That's the legal term all
8 right.

9 CHAIR BRISSENDEN: Any other questions or
10 comments? Thank you.

11 ANNE CAREY: Thank you.

12 COMMISSIONER THOMAS: Leave it up to the
13 Southern California people.

14 VICE-CHAIR ANDERSON: I guess I would wonder
15 whether or not there was an opportunity for the staff
16 to look at previous performance history and not the
17 immediate past performance, given that the immediate
18 one was obviously incomplete. But does this applicant
19 have a history of not accomplishing their deliverables?
20 I don't know. I guess that I think that five points in
21 that particular category and two points in the previous
22 one is hard for me to deal with given the nature of
23 the -- or the reason for noncompliance. And I
24 understand that nearly everybody who has not finished
25 their project on time and is not operating according to
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1 a preconceived timeline would want to get more points
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2 here, but this is a troublesome question for me.

3 COMMISSIONER McMILLIN: I would venture to say
4 that this is something we'll just learn from as we
5 modify the system for next year and minor tune it, and
6 the Cleveland does a good job. It happens to be in my
7 backyard. I smelled the smoke from this one. But it
8 being a nonevent really, I would not make a motion that
9 we change it. I would make a motion to leave it per
10 staff's recommendations.

11 CHAIR BRISSENDEN: Do we have a second?

12 COMMISSIONER THOMAS: Actually, probably no
13 motion required.

14 COMMISSIONER McMILLIN: Either/or.

15 COMMISSIONER SPITLER: We need to approve the
16 grant or vote on the score for the grant.

17 CHAIR BRISSENDEN: They were left off Consent,
18 so we have to vote on the vote.

19 COMMISSIONER SPITLER: So if the motion was for
20 staff recommendation, I'll second that motion.

21 CHAIR BRISSENDEN: It's been moved and seconded
22 for staff recommendation. All those in favor?

23 (Commissioners simultaneously voted.)

24 CHAIR BRISSENDEN: Opposed?

25 VICE-CHAIR ANDERSON: Me.

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1 CHAIR BRISSENDEN: Me being Judith Anderson. So
2 the motion passes four to one. So we have five
3 minutes. We have one more item, John.

4 OHV STAFF PELONIO: Next item is Item No. 46,
5 Tuolumne County Sheriff's Department Law Enforcement.
6 They scored themselves at 77, and the Division

7 concurred with their findings for a dollar amount of
8 \$45,000.

9 CHAIR BRISSENDEN: They're off the bottom,
10 right? They're 77. They're below the cut line?

11 OHV STAFF PELONIO: Affirmative.

12 CHAIR BRISSENDEN: So there is no funding,
13 correct, John? There is no funding? You said they
14 were funded at \$45,000.

15 OHV STAFF PELONIO: I'm sorry, they requested
16 \$45,000.

17 CHAIR BRISSENDEN: Okay. Thank you. And you
18 have something to change in that?

19 KEITH LUNNEY: Yes, sir. Keith Lunney, Tuolumne
20 County Sheriff's Office. I reviewed the application,
21 and I'd like to, for lack of a better term, make a plea
22 to the board.

23 On does the applicant provide mass flyers to OHV
24 enthusiasts directing them to opportunities, not at
25 this time, we did not. We referred them to the U.S.

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1 Forest Service who is in the process of their route
2 designation right now. The hearings on that is still
3 in progress as I speak.

4 Then I go to the item on agency contribution, I
5 just reviewed that. We have entered patrol agreements
6 for some reimbursement with Bureau of Reclamation, some
7 with BLM, and some with U.S. Forest Service. That
8 wasn't noted in this.

9 Then we go to education and outreach, currently
10 under the new sheriff that was elected, we have been
11 doing community meetings, community outreach. He goes
12 probably quarterly to different areas of the county.

13 We can include OHV in that. I won't say that we've
14 been doing that, but we can certainly go into that.

15 Then I go back to my last portion of this, and
16 I'll make it very quick. SB 742, we're trying to reach
17 agreements, again, with BLM on the New Maloney
18 Reservoir. The Bureau of Reclamation, they're having
19 problems in that area. U.S. Forest Service currently
20 has 3400 miles of Forest Service roads that they're
21 looking to increase OHV and over-snow activities in
22 those areas. They're looking to at least close on a
23 limited basis 2,272 miles of those roads. We have 837
24 miles of seasoned closures, changes in route
25 designation. And in reviewing OHV funding here, it

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1 Looks like the Stanislaus County Forest is in the same
2 position we're in. They were not funded at all.
3 Without funding by either the Forest Service -- or to
4 the Forest Service or to the sheriff's office, we are
5 moving back into a reactive mode instead of a
6 proactive. Currently, we do do some patrols on over
7 snow. ATV is new to us, but because of the lack of
8 snow, we're starting to see more ATVs in the high
9 forest area and more damage. Thank you.

10 CHAIR BRISSENDEN: Thank you. Any questions or
11 comments from the Commissioners for the applicant?
12 What's the pleasure?

13 COMMISSIONER McMILLIN: I would make a motion
14 that we accept staff's recommendations. And to the
15 applicant, I think it's good that you were going to do
16 those things, and I think that will help you next year.

17 CHAIR BRISSENDEN: There's a motion on the floor

18 with comments.

19 VICE-CHAIR ANDERSON: All right. I'll second
20 for discussion purposes.

21 CHAIR BRISSENDEN: Okay. For discussion
22 purposes, Commissioner Anderson.

23 VICE-CHAIR ANDERSON: Yes, on the applicant I
24 would ask, are you disagreeing with your initial
25 assessment where you rank yourself as getting -- as

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1 being eligible for zero points?

2 KEITH LUNNEY: Yes, I am, and I'm basing that --

3 VICE-CHAIR ANDERSON: I'm sorry, I didn't have
4 the right pages when you were speaking, so I'm going to
5 recap some of this.

6 COMMISSIONER THOMAS: What page are you on?

7 VICE-CHAIR ANDERSON: Well, on page 200 they
8 basically got everything they asked for except the
9 providing maps. So you don't provide any maps, flyers,
10 and/or brochures now?

11 KEITH LUNNEY: At this time, we refer them to
12 the Forest Service. The Forest Service has the current
13 maps. Again, the Forest Service is in the process of
14 drawing up new maps and route designations.

15 VICE-CHAIR ANDERSON: I understand what the
16 Forest Service is doing. So you're not providing them?

17 KEITH LUNNEY: No, I'm not.

18 VICE-CHAIR ANDERSON: You don't have them in the
19 office.

20 Okay. And then on page 201, there's
21 confirmation of deliverables and agency contribution of
22 funding, I understand that. Applicant has a program to
23 monitor and prevent, you've got three points for that,

24 you concurred in that, and there's a site design to
25 prevent confusion. Since you don't have the land base,
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1 you can't earn those points, I don't think. Education
2 outreach, we talked about. It's difficult for me to
3 figure out how I can give you points.

4 COMMISSIONER THOMAS: I love the fact that if it
5 doesn't snow, you can't ever get any more money.
6 That's for past performance, right, 42. You're
7 finished if it doesn't snow. It's an objective
8 program, though. We know when it snows and when it
9 doesn't.

10 KEITH LUNNEY: We have money left over from last
11 year that we're hoping to use this year to finish our
12 snowboard.

13 COMMISSIONER THOMAS: Maybe you can make snow.

14 KEITH LUNNEY: There's been talk of that at the
15 ski resorts that are suffering, too.

16 COMMISSIONER THOMAS: Then you can increase the
17 four rating much higher if you made all of that snow.

18 CHAIR BRISSENDEN: Are there any concrete
19 suggestions? I'm not suggesting style of snow here.

20 COMMISSIONER THOMAS: Suggesting eliminating the
21 criteria.

22 CHAIR BRISSENDEN: Call for the question.

23 VICE-CHAIR ANDERSON: Are we going to do public
24 input?

25 CHAIR BRISSENDEN: Well, we didn't get any on
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1 the others, so I have no cards for this one, so.

2 So we will bring it back to the Commission. All
3 those in favor of the motion?

4 COMMISSIONER THOMAS: I want to speak on it,
5 first. It's a public comment process here. If you
6 look at who apparently is not getting funding, Nevada
7 County, Tuolumne County, San Joaquin County, Colusa
8 County and Fresno County, that looks like most of the
9 Central Valley. Apparently, there's no special
10 geographic adjustment factor in here. I think you're
11 going to have to -- I know the ratio of people who live
12 here versus the people who ride motorcycles have
13 probably failed the Imperial County test, but we think
14 that the county sheriffs in the Central Valley ought to
15 be funded in some fashion. And perhaps in future years
16 your wizard could be adjusted to reflect geographical
17 equity. Thank you.

18 VICE-CHAIR ANDERSON: A challenge grant.

19 COMMISSIONER THOMAS: Yes, a challenge grant,
20 maybe we can call it that. That's it.

21 CHAIR BRISSENDEN: Is there anything else you
22 want to say?

23 COMMISSIONER THOMAS: That's all I'm going to
24 say.

25 CHAIR BRISSENDEN: All in favor of the motion?
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1 The motion is the score remains as is, as staff
2 recommended; is that correct? All those in favor?

3 (Commissioners simultaneously voted.)

4 CHAIR BRISSENDEN: Opposed?

5 COMMISSIONER THOMAS: No.

6 CHAIR BRISSENDEN: So motion passes.

7 KEITH LUNNEY: Thank you for your time.

8 CHAIR BRISSENDEN: Thank you. I encourage you
9 to next year, as Mark mentioned.

10 ATTORNEY LaFRANCHI: Chair Brissenden, may I
11 just note in response to Commissioner Thomas' comment,
12 that next year starting in January, the law enforcement
13 will not be subjected to a competitive process. It
14 will be based on need. The new legislation breaks down
15 the percentages to federal agencies and local agencies.
16 So the kinds of things that Commissioner Thomas is
17 thinking about are the kinds of things that will be
18 useful, constructive to put into the process as that
19 gets developed next year. And the Commission certainly
20 will be a part of that in their continued role in
21 making advisory recommendations with regard to the
22 program. So I just wanted to kind of point that out.

23 COMMISSIONER THOMAS: I think it's appropriate.
24 I know my county said they weren't going to bother with
25 us anymore because they did a lot of work and they

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1 always got rated low, and apparently all these other
2 counties are going to be in the same boat. So that new
3 legislation will be helpful, we hope.

4 CHAIR BRISSENDEN: Thank you. We have the
5 responsibility to revisit because one got bumped out or
6 are we done?

7 COMMISSIONER THOMAS: We're done.

8 CHAIR BRISSENDEN: I think we are done, so I'll
9 move to public forum. I should say I want to thank --
10 we've gotten through three categories, and we're moving
11 right along, and I want to thank the applicants that

12 didn't make it and encourage them to apply through the
13 new legislation and make certain that you get all of
14 your feet in the door and continue to preserve and
15 protect the landscape and the opportunities. And I
16 want to congratulate all of the ones who did make it
17 through the door to go out and do good work.

18 So for public comment, I have Bruce Brazil,
19 followed by Kathleen Mick.

20 BRUCE BRAZIL: Bruce Brazil, California Enduro
21 Riders Association. In the past meetings, I've stood
22 up here and been rather critical of having our two
23 federal agencies, U.S. Forest and BLM, come in asking
24 for state dollars. These last two weeks, I kind of
25 looked through their budgets, and I'm coming to an

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1 understanding of why they're coming here, with 40 to 50
2 percent of their money going for fire suppression. You
3 start looking down the list, a whole lot of money going
4 for commercial activities on our public lands. Then
5 down there, the smaller numbers for recreation and law
6 enforcement, very small numbers. So I'm starting to
7 get an appreciation of why they're coming here with
8 their hands out.

9 I'm just wondering if there is some avenue for
10 our Commission, Division, State Parks, and most of the
11 people here in the audience to collaboratively try to
12 make some sort of influence back in Washington, D.C. to
13 get more monies available, more money for our federal
14 agencies, meaning they won't have to come here asking
15 for money or as much money from us, and it will also
16 free up more money for the local agencies. Thank you.

17 CHAIR BRISSENDEN: Thank you. Kathleen Mick,
18 and I'm curious, point light relativism. I really
19 appreciate having new subject matter.

20 KATHLEEN MICK: Good, it had to be something
21 that wasn't on the agenda, so point light relativism,
22 here it is. Kathleen Mick, U.S. Forest Service.

23 The reason that I'm speaking is that because
24 under the updates, we didn't have a slot, and I guess I
25 missed the slot under new business last night, but I

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1 was enjoying myself at the Columbia Gorge up outside of
2 Oregon. I was in Stevenson, Washington. For those of
3 you looking for a good vacation, I recommend the
4 Skamani a Lodge.

5 So with that, let's talk about the Tahoe. So
6 what I have here for Mardi, there you go, I think there
7 is exactly more than 13. I think we met the minimum
8 there. There's an update, and I understand that the
9 Commissioner that was most interested in this isn't
10 here. He's having surgery or something, somebody said.
11 It's an update on the Tahoe National Forest and the
12 Foresthill logging, and this was prepared by the
13 district ranger and her staff to give the Commission
14 and Division an update of what's going on in Foresthill
15 in regards to the OHV trail system and the logging
16 activities. And I don't think we brought enough copies
17 for the public, but if folks are interested, they can
18 let the Foresthill District know, and you can obtain a
19 copy of this. But it's just an update to let you know
20 kind of what happened, and what they're doing about it,
21 and how they're trying to move forward. So I guess we
22 can't have questions, so I'll just give you the

23 information and let you enjoy it. Thanks.

24 CHAIR BRISSENDEN: Thank you. John Stewart,

25 followed by Jay Watson, please.

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1 JOHN STEWART: Good morning, Commission, John
2 Stewart, California Association of 4-Wheel Drive Clubs.
3 I'm encouraged that this year the grants process is
4 going along great. It's a far cry from where it was,
5 and thanks, Daphne, deputy director and her staff, and
6 everyone for working on this. It's been a pleasure.

7 We still have one item that's something I would
8 like to make sure does not fall off of the agenda or
9 fall below the radar screen for the future, that is the
10 strategic plan and looking to the future and actually
11 planning for recreation opportunities. That is
12 something that still needs to be accomplished. I'm
13 looking forward to seeing what progress has been made
14 on it. I was hoping to see an update at this
15 Commission meeting, but evidently it's not on the
16 agenda. So I'm sure that it will be in the future. I
17 think that is something that will help plan and form
18 some other way the grants and the recreation is
19 accomplished in this state in the future.

20 I would also like to point out that the user
21 community is now starting to form groups to help with
22 the land managers and work in partnerships. So here we
23 have a point where we have the user community is
24 becoming much more involved and much more interested in
25 what is happening on the ground, and this is an

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1 excellent opportunity for the land managers to start
2 working with a new pool of volunteer labor, volunteer
3 assistants to help them solve their management
4 problems. And it's something that -- again, it goes
5 back with the strategic plan. It's something about
6 planning for recreation and looking at all of the
7 different opportunities that are coming up and working
8 within the opportunities that we do have, knowing that
9 we have to probably redefine the recreation market
10 because times do change, nothing stays static. And we
11 know that something is coming up, and we need to look
12 to the future. So I'd encourage the Division and
13 Commission in the future to let's take a serious look
14 at the strategic plan and the future planning effort
15 for recreation. Thank you.

16 CHAIR BRISSENDEN: Thank you. Jay Watson.

17 JAY WATSON: Thank you, members of the
18 Commission, Jay Watson, Recreational Director with
19 Student Conservation Association. And also looking to
20 the future, we look forward to participating in the
21 process to develop the next grants system. It's
22 obviously a very important source of funding to our
23 organization. Working in partnership with the BLM and
24 the Forest Service, so I know it's quite an involved
25 process to develop a new grants program. But we'll

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1 certainly pledge our participation to moving along in a
2 timely way and then participating in it as a grant
3 seeker.

4 And then also looking to the past, just on

5 behalf of SCA, we would really like to thank this
6 Commission for all of the work that it has done over
7 the past number of years in the grants program. I
8 think if we add up over the years, we've probably
9 placed about 400 students on the ground in California.
10 And the volunteer hours that they have spent literally
11 is measured in the hundreds of thousands over a multi-
12 year period. So it's been great experiences for those
13 students. They've gone on to careers within the
14 agency, and they've done a lot of good, a lot of
15 benefit to the land and to the citizens of California.
16 So I really thank you for all you've done over the past
17 few years.

18 CHAIR BRISSENDEN: Thank you. Elizabeth Norton,
19 followed by Jim Keeler, please.

20 ELIZABETH NORTON: Good morning, Commissioners,
21 Elizabeth Norton, I'm the Public Services Officer for
22 the Lassen National Forest. And I just wanted to
23 express my appreciation for everybody who worked on the
24 passage of SB 742. It's a really good law. It's good
25 for the environment. It's good for the OHV program. I

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1 especially appreciate the way the funds are going to be
2 allocated in the future. And the example that
3 Commissioner Thomas made, you hit the nail right on the
4 head, when there is that geographic inequity of how
5 funds are distributed, if Tuolumne County Sheriff,
6 Stanislaus County Sheriff, and Stanislaus National
7 Forest don't receive any law enforcement funds that
8 they asked for, over \$500,000 this year, it's very
9 difficult to run a quality program out on the ground
10 and provide the service that the public really needs

11 and the resource protection that that program warrants.
12 And so SB 47, to all of those people who worked on it,
13 again my thanks. I am going to be retired on
14 January 3rd, so unfortunately I won't have the pleasure
15 of going through a whole new revised grants process and
16 learning that. But I'm sure I'll be volunteering in
17 the future to help with the OHV program, and SB 742 is
18 certainly a good law. So thank you.

19 CHAIR BRISSENDEN: Thank you.

20 COMMISSIONER THOMAS: I'm sure they'll draft you
21 to come back as a retired annuitant to fix the program.

22 JIM KEELER: I'm Jim Keeler, BLM California
23 State Office. Mardi will be passing around a copy of
24 the magazine from the Society for California
25 Archaeology. Starting on page 230 is quite an article
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1 on the site stewardship, the archaeology site
2 stewardship program that has been funded since, I
3 guess, about 2000 by the Commission. And there's also
4 a letter in there from the SVRA thanking the Commission
5 for your support in the past. And it's somewhat
6 outdated by the fact that you changed the contribution
7 scores last night, so you can ignore the plea in it.
8 But in any case, I did want to express their gratitude
9 for their partnership that they've had in the past and
10 how much good I think they have had done for the
11 agencies and for the public in California. So thank
12 you very much.

13 COMMISSIONER SPITLER: Maybe you can tell
14 Ms. Horn that after receiving this letter, we decided
15 to allocate some funds to her project.

16

JIM KEELER: Thank you.

17

CHAIR BRISSENDEN: Thank you. Ed Waldheim,

18

followed by Brent Schoradt, followed by Karen

19

Schambach.

20

ED WALDHEIM: Good morning, Commissioners. Ed

21

Waldheim for CORVA, California Trail Users Coalition,

22

District 37 AMA, et al. End of the year, isn't great

23

to finish this way, but I think we're doing okay. Some

24

of the grants it's very hard, I was sharing with the

25

sheriffs, how do you decide between your two children,
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1

which one do you leave behind and which one do you take

2

forward. It's a real, real hard chore to do. But I

3

appreciate everything the staff has been doing working

4

on these grants, and I look forward to next year to

5

having a good productive year to get more on the

6

ground. As you know, that's been my passion. And

7

unless you do the trail maintenance and everything

8

else, you're wasting your time and you're not providing

9

the opportunity for which we were created in the first

10

place.

11

Mr. Thomas, Mr. Brissenden, you are not being

12

replaced with SB 742. You continue to serve at the

13

will of the appointing agency that you have or until

14

your term is expired. So 742 did not displace the two

15

of you, so you're still going to have to put up with

16

me. There's new positions open, coming up, so those

17

are the ones that can be filled by the governor's

18

office. But the terms of all of your appointing

19

agencies, that all continues in the staggered form that

20

we set it up back in 1983. That has not changed at

21

all. And you're looking at me wondering why am I

22 saying this. Because these two, they said they're out
23 of here, and that's history. And I'm letting them know
24 that it's not, unless they want to send a resignation
25 letter. That's a different story if you want to do

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1 that.

2 Anyway, I want to thank you guys for all of your
3 work and all of your tribulations in putting up with
4 all of us out here. It's a tough one. I would only
5 wish that more of you would get out in the field and
6 travel with me and see what it is really like. I'd
7 love to put you on a tractor. I would like to give you
8 a hammer for a carsonite post to put into the ground
9 and the decal so you really understand what it is we're
10 talking about. You know, you're making these decisions
11 up here, I hate to say it, but some of you have
12 absolutely no clue what it is we're really doing and
13 the challenges that we face as agencies and volunteers
14 to keep our public lands open to provide the
15 opportunity for responsible use. The challenges on
16 those areas where we have an incredible amount of
17 visitors, 60,000 people this weekend at Jawbone / Dove
18 Springs area; 70,000 in the California City area, it
19 just boggles your mind. It just totally boggles your
20 mind. You wonder how the heck Glamis Dunes or Dumont
21 Dunes or El Mirage -- I mean you have to go see it to
22 understand how can you possibly manage that. So this
23 program is very important for us. And, again, have a
24 fantastic Christmas and New Year's. Thanks for all of
25 your help.

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1 CHAIR BRISSENDEN: Thanks, Ed. Brent followed
2 by Karen Schambach.

3 BRENT SCHORADT: Brent Schoradt, I'm with the
4 California Wilderness Coalition, and I'd like to sort
5 of echo Ed's praise for the Commission and thank you
6 all for your work over the years. I think sort of the
7 lasting legacy of the Commission is going to be the
8 hard work that you've done to fund restoration, to
9 really lead the way on restoration, and also on route
10 designation. And I think at the end of the day when
11 this is all said and done, you know, 10, 15 years out,
12 we're going to look back at this Commission as the one
13 that really ushered in an era of restoration and
14 managing OHV on designated routes which is something
15 you should all be proud of. So thank you very much for
16 your service.

17 And kind of shifting gears, I want to thank the
18 Division for the good work that they've done this year
19 in terms of funding restoration, and I really just hope
20 that we can all work together on the new regulations
21 because I think there's a lot of potential for some
22 good projects to be funded. And one thing I'll just
23 throw out there right now, I think -- and I also
24 appreciate the comments last night about trying to find
25 ways to get the Restoration dollars out the door,

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1 because I think none of us, including the user groups,
2 don't like to see that surplus sitting there. And
3 we're hearing, you know, a ten percent cut across the

4 board is rumored to be coming down the pike this year,
5 so I think we should all be working together to try to
6 get those dollars out the door because I know there's
7 good restoration projects to be funded.

8 And one thing that we might think about for
9 regulations next year would be removing the cap for
10 Restoration for that category. Because I have been
11 told that several agencies would have proposed more
12 Restoration funding this year if it wasn't for the cap.
13 So I think that's another way we could get at that.

14 And one thing, I don't know -- I had a question.
15 Actually, I don't know if anybody can answer, but the
16 calendar that was back there, is that an OHV Division
17 calendar or was that just a user group calendar? And
18 the reason I ask, I actually got a phone call about the
19 calendar this week, and someone said, you know -- I
20 don't know if it was this specific calendar, but
21 someone said, you know, when they looked at April, they
22 saw CLORV, which I'm assuming is the California League
23 of Off-Road Vehicle Users Lobby Day. And if this is --
24 I'm not sure if it is, but if it is a Division
25 calendar, I think it's inappropriate for a state agency

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1 to be advertising lobby days for a private interest
2 group. So I'll just leave it at that. Thank you.

3 CHAIR BRISSENDEN: Thank you. Karen Schambach,
4 followed by Dave Pickett.

5 KAREN SCHAMBACH: Karen Schambach, Center For
6 Sierra Nevada Conservation. In light of the SB 742,
7 which is sort of a turning point for this program, I
8 wanted to take the opportunity to thank the four
9 Commissioners, all of the Commissioners -- I don't want
Page 69

10 to sleight, Mark, but we'll get to you eventually. But
11 this Commission has taken this program where it's
12 needed to go for a long, long time. It's restored the
13 idea that opportunity is not the whole program. That
14 environmental responsibility and providing recreation
15 in a way that meets those environmental
16 responsibilities is as much a part of the program as
17 opportunity. And this Commission has taken actions and
18 taken a lot of heat in pursuing that goal, and I really
19 appreciate it, and a lot of people do, a lot of
20 organizations do. And so since you are all here in one
21 place, this seems like the best opportunity to give you
22 a little show of our appreciation, so.

23 (Some Commissioners presented plaques.)

24 CHAIR BRISSENDEN: Well, Ed said just a moment
25 ago, you may have us to kick around for a little

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1 longer, but I will be here in March at least.

2 Mark, thank you, too.

3 COMMISSIONER THOMAS: Thank you all. It's very
4 nice.

5 VICE-CHAIR ANDERSON: Thank you.

6 CHAIR BRISSENDEN: Oh, for the record you want
7 this read?

8 KAREN SCHAMBACH: Yes.

9 CHAIR BRISSENDEN: Presented to the Honorable
10 Paul Spittler and Judith Anderson and Hal Thomas:

11 "In deep appreciation --"

12 There's some wonderful wild desert flowers hiding
13 behind the words, I should say.

14 "-- for your tireless efforts as

27490 2007-12-07 OHV x
15 a member of the California State
16 Off-Highway Vehicle Commission to
17 ensure high-quality OHV recreation
18 consistent with moral and statutory
19 obligations to protect California's
20 precious natural and cultural
21 resources."

22 This is was dated December 7th, 2007, and
23 presented by Center For Sierra Nevada Conservation,
24 California Wilderness Coalition, Desert Protective
25 Council, the Sierra Club -- Bob, help me with this,

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1 Tuleomy, it's a different organization in the coastal
2 range, I believe. The Wilderness Society is the final
3 organization.

4 So thank you for that honor. It is an honor to
5 be here amongst all of you, and thank you for
6 presenting this.

7 DEPUTY DIR. GREENE: Chair Brissenden, if I may
8 just clarify, because I certainly don't want
9 Mr. Schoradt to think that is in fact a Division
10 calendar. I don't want anybody to think that. In
11 years past when we have proposed calendar dates, it has
12 turned into a half hour to 45 minute confusion because
13 everybody stands up and says, no, you can't do it this
14 day because we have this; you can't do this day, we
15 have this. So about a year ago when we did another
16 calendar, we provided it to the Commissioners for
17 greater clarity in trying to identify when they might
18 want to schedule a date. So we were just trying to
19 make it for ease of the Commissioners to identify
20 dates. I don't want that to be looked upon as an

21 official Division calendar, by no stretch of the
22 imagination.

23 CHAIR BRISSENDEN: Thanks for the clarification.
24 I believe Dave Pickett is the last blue card I have.

25 DAVE PICKETT: Dave Pickett, District 36, 212

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1 Motorcycle Sports Committee. Sorry I don't have any
2 plaques for you guys, it wasn't in the budget for this
3 year.

4 COMMISSIONER THOMAS: We would be worried if you
5 had a plaque.

6 DAVE PICKETT: We have something else in mind
7 for you, Mr. McMillin.

8 My comments this morning are pretty broad
9 brushed. And the first thing, on behalf of District
10 36, is to acknowledge our federal and state partners
11 for the devastating forest fire season that we've had,
12 the work, the hours, the stress that they had to go
13 through, so thank you, folks. With that, Division also
14 has had a tough year, and that effort and work does not
15 go unnoticed.

16 As Mr. Waldheim had said earlier, the trail
17 maintenance situation for the future, we need to work
18 harder in that area to make sure our partners get
19 funds. And I'm going to finish this off with, many
20 people in this room may not know that former
21 Commissioner Ed Waldheim was inducted into the AMA Hall
22 of Fame last October as the first person to be inducted
23 into a new category concerning OHV environmental
24 stewardship and contributions to our sports, so
25 congratulations Ed Waldheim. Thank you.

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1 CHAIR BRISSENDEN: So I do have some last minute
2 cards, Judith Spencer, followed by Don Klusman.

3 JUDITH SPENCER: Thank you. Judith Spencer with
4 CORE. I want to just reecho and reecho and reecho the
5 thanks from the communities and so well expressed by
6 Karen and Brent. I do want to remind the Commission
7 and the Division that this is a program that belongs to
8 the people. We pay for it with our taxes and with our
9 time and with our interests, that the impact from this
10 program is profound. It affects us in our homes. It
11 affects us in our recreation, and its effect is
12 persistent. And I really don't want that to be
13 forgotten. I'm really hoping the change that's coming
14 in an instant is new and not a return to the old. I've
15 been showing up at these meetings a long time, and I
16 want them not to change in a bad way. I think -- I
17 know that I'm very concerned that the new approach cuts
18 out the people, that while the Commission becomes an
19 advisory board and there will be focus groups, there's
20 no direct way for us to make a difference. And even
21 now, you require that public is involved, but I don't
22 see any points about that. I don't see any discussion
23 that this project got 100 comments in favor or this one
24 only had three people that didn't bother much. This
25 bothers me a lot. I like the idea, and I appreciate

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1 the work that went on to objectify and quantify. As an
2 old nurse -- and let's forget I said old -- but we

3 tried doing that when I was a young student; we wanted
4 to be professionals. And so if we made some studies,
5 they had to be quantified; otherwise, they won't be
6 factual, they wouldn't be scientific. Well, nursing is
7 about people. And believe you me, this program is
8 about people. So I really, really ask and hope that
9 that not be lost. And after 25 years of a balanced --
10 or imbalanced forced off-road expansion, for lack of a
11 better word, and not looking at the environmental
12 responsibilities -- what has it been, five years that
13 we shifted there -- doesn't seem like quite enough. So
14 I hope that whatever that nine member Commission looks
15 like, that it doesn't return us to where we were
16 because where we are now is a lot better place, at
17 least most of the people I know think so. Thank you
18 very much.

19 CHAIR BRISSENDEN: Thank you. Don Klusman.

20 COMMISSIONER THOMAS: And thank for your many
21 years and eloquence and moral authority that you bring
22 to this work.

23 DON KLUSMAN: Don Klusman, California 4-Wheel
24 Drive Association. I didn't bring you any plaques
25 because I don't want you going anywhere. Like I said,
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1 SB 742 does not replace the Commission. Hopefully it
2 enhances it, and I thank all of the people that worked
3 on it.

4 That being aside, I want to thank the staff for
5 this year making the process easier and more
6 understandable. We still need to do some work, and I'm
7 looking forward to working with the staff along with
8 the Commission to make the grants process even more

9 streamline so that we can move forward on a lot of
10 these things.

11 Trail maintenance and facilities, we have to
12 look at those more. I mean our facilities, some of
13 them, are falling apart out there because we don't have
14 the money, and this is not only state money, but this
15 is federal money, so it's a complex project.

16 The last item I want to bring up, at the last
17 Commission meeting I mentioned that I was appointed as
18 one of the 11 members of the recreational RAC to deal
19 with fees in the State of California. And this is all
20 of the western states have these RACs, some of them
21 more than one. We had our first meeting in November.
22 The Forest Service is the lead agency along with BLM's
23 help. I think they were surprised that in two days --
24 the first day we spent organizing; the second day we
25 jumped right in the middle of it and started looking at
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1 proposals. The thing that amazed me -- and we have to
2 deal with everything from campground fees, to parking
3 fees, to OHV fees, to use areas, and even the Loon Lake
4 Chalet, they want to raise the rent on it, or our fire
5 lookouts or anything like that, we deal with all of
6 those.

7 There were four proposals for OHV. All four of
8 those proposals -- well, three of them was to -- two of
9 them was to raise the fees. One of them was to add new
10 fees and so was another one. Every one of those was
11 100 percent there was no negative letters on those
12 fees. And the one that amazed me was Clear Creek, and
13 we've talked about Clear Creek a lot. The BLM had put

14 in what they thought should be a fee for the area, the
15 users said no, that fee was not high enough. They went
16 for a larger fee. That's what they wanted; that's what
17 we went with.

18 So the public now is understanding, because of
19 the budgetary cuts and so forth, that a lot of these
20 areas are going to have fees. And in another sense
21 there, I mean campgrounds, when they go from eight
22 dollars to ten dollars and haven't been raised since
23 the '80s, these are the kind of things -- we have
24 supposedly 60 items on the agenda for January, and a
25 lot of those being campgrounds and so forth.

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1 CHAIR BRISSENDEN: You're not going to do those
2 all right now since you have the red light?

3 DON KLUSMAN: No, I'm concluding. I want to
4 thank all of you for this past year and looking forward
5 to next year, and all of you have a good holiday
6 season. Thank you.

7 CHAIR BRISSENDEN: Thanks, Don.

8 No further blue cards, we will go back to the
9 grants process for non-CESA.

10 So following along with the last approach, do I
11 have a motion on the first items since I have a
12 confusion of yellows here?

13 COMMISSIONER McMILLIN: Do we make a motion to
14 approve this?

15 COMMISSIONER THOMAS: No, we have to wait for
16 the --

17 CHAIR BRISSENDEN: I think you made a motion
18 last time to approve these.

19 COMMISSIONER THOMAS: And then took the comment.

20 COMMISSIONER McMILLIN: I would like to make a
21 motion to approve the non-CESA Consent Calendar.

22 CHAIR BRISSENDEN: Which would be Items 1
23 through 40 at staff recommendation scoring levels.

24 COMMISSIONER McMILLIN: No, it's Item 1 through
25 the whole banana, 1 through 69. So after a second,

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1 then we will get --

2 COMMISSIONER THOMAS: Okay. I'll second.

3 COMMISSIONER McMILLIN: So anybody that would
4 like to pull an item, just needs to come forward.

5 CHAIR BRISSENDEN: I will call out of the names
6 of the ones who asked about this. I have John Stewart,
7 Don Klusman, Bruce Cann -- and if you have an item that
8 you want to pulled, please come forward on those first
9 three, and then I'll keep going -- John Jue, Lester
10 Lubetkin.

11 LESTER LUBETKIN: Lester Lubetkin, Eldorado
12 National Forest. We request that Item No. 40, the
13 Eldorado National Forest Facilities, Operations and
14 Maintenance project be pulled from the Consent.

15 CHAIR BRISSENDEN: You're funded.

16 LESTER LUBETKIN: I recognize that, although I'm
17 projecting changes. And in the event that no other
18 changes occur, we would withdraw it, but at this point,
19 we would like to discuss it.

20 CHAIR BRISSENDEN: Okay. Item 40. Bruce Cann,
21 it mentioned 51 and 52; are you present?

22 BRUCE CANN: Yes.

23 CHAIR BRISSENDEN: You want to put it back on
24 Consent? So we only have one item being pulled. Fred,

25 do you want to stand and just state the number you wish
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1 pulled?

2 FRED KRUGER: Yes, Mr. Chairman, Plumas National
3 Forest -- Fred Kruger from the Plumas National Forest.
4 I would like to have No. 41, trail maintenance, pulled
5 from the Consent Calendar, please.

6 CHAIR BRISSENDEN: Elizabeth Norton, you have
7 noted that you would like, followed by Sylvia, a
8 clarification on No. 19. That's a pretty secure spot
9 on the list. Why don't you get with staff on that in
10 terms of clarification?

11 ELIZABETH NORTON: Elizabeth Norton, Lassen
12 National Forest, and I would like to pull Item No. 33.
13 I think there is some incorrect scoring there, I would
14 like to clarify. If it's still above the funding
15 cutoff based on the end of this discussion, then I'll
16 withdraw my withdrawal.

17 COMMISSIONER SPITLER: Just pull it.

18 CHAIR BRISSENDEN: I have a Susan from the
19 Sierra, No. 43, are you wishing that still to be
20 pulled?

21 SUSAN BURKINDINE: Yes, please.

22 CHAIR BRISSENDEN: Okay. Pull No. 43.

23 Susan, the scribe wants you to state your name,
24 title and so forth.

25 SUSAN BURKINDINE: Good morning, Susan

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1 Burki ndi ne, Si erra National Forest. I would like to

2 pull No. 43, and correct an error in the general
3 criteria.

4 CHAIR BRISSENDEN: Lester, I had several cards.
5 I presume you stated all you wish you need to be
6 pulled, correct? Fred Kruger, Ed Waldheim, John
7 Stewart, Don Klusman, Mona Daniels?

8 MONA DANIELS: Mona Daniels, Palm Springs
9 Office. I would like to have No. 67, 47, and 54
10 pulled, please.

11 CHAIR BRISSENDEN: Thank you. James Pursley and
12 Richard Morgan, Stanislaus.

13 JAMES PURSLEY: James Pursley, Stanislaus County
14 Parks and Recreation Department. I'd like to have
15 Items No. 50 and 59 pulled.

16 CHAIR BRISSENDEN: David Pickett asked for all.
17 That's a pass. I called Bruce Cann earlier. You want
18 23, 51 and 52 off you said, all three? You need to
19 come forward.

20 BRUCE CANN: Bruce Cann with BLM at the Arcata
21 Field Office, and you can put those three grant
22 projects on Consent.

23 CHAIR BRISSENDEN: Thank you very much. Jim
24 Keeler. You still need to state your name for the
25 record. I'm getting unbelievable looks from the

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1 scribe.

2 JIM KEELER: Jim Keeler, BLM California State
3 Office and that card was submitted in error.

4 CHAIR BRISSENDEN: Okay. It's another errata
5 sheet.

6 COMMISSIONER THOMAS: And, Fred, you may want to
7 pull 39 conditionally, given the numbers of additional
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8 off the cut list. If you want to protect 39, I would
9 recommend that you pull conditionally 39. I'll do it.

10 FRED KRUGER: Fred Kruger, conditionally, thank
11 you very much.

12 CHAIR BRISSENDEN: Have the Commissioners also
13 had the opportunity, if you wish, to pull items?
14 Proceeding along. How many items was it?

15 OHV STAFF CHANCEY: A total of, it looks like,
16 five, six items pulled.

17 COMMISSIONER McMILLIN: So could I amend my
18 motion to approve the Consent Calendar without Items
19 33, 39, 40, 41, 43, 46, 47, 50, 54, and 59? Staff, I
20 think that's it.

21 COMMISSIONER THOMAS: Correct. Seconded.

22 CHAIR BRISSENDEN: So it's been moved and
23 seconded that we approve the Consent Calendar minus
24 those items mentioned.

25 Any discussion? All those in favor say aye?

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1 (Commissioners simultaneously voted.)

2 CHAIR BRISSENDEN: Opposed? Motion carries.

3 Staff, carry forward with the items that have
4 been pulled.

5 OHV STAFF GREENWOOD: Barbara Greenwood,
6 Division staff. Item No. 33, U.S. Forest Service
7 National Forest. It's the Front Country OHV Planning,
8 Project No. G07-02-08-P02, planning project. The total
9 project percent was 79.5, and the total amount
10 requested was \$221,000.

11 ELIZABETH NORTON: Elizabeth Norton, Lassen
12 National Forest. Division staff and Commissioners, I

13 refer you to -- it's page 177 on my scoring sheet from
14 the Division, but we received a score of three under
15 Item 5. Criteria for K, part eight, Item No. 5, we
16 received a score of three. Our applicant score was a
17 total of five points, and the funding source for
18 operational costs is also addressed in our facilities,
19 operations and maintenance grant proposal on the
20 project cost deliverables and also on the form
21 regarding agency contribution. Our agency contribution
22 for facilities, operations and maintenance in that
23 project category is 51 percent or more. And so I felt
24 there should be some cross-reference to the operations
25 and maintenance project in order to determine the score

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1 for this particular planning project. I believe our
2 score warrants being five instead of a three.

3 CHAIR BRISSENDEN: Any questions or comments?

4 Thank you.

5 ELIZABETH NORTON: You're welcome.

6 CHAIR BRISSENDEN: Do you have a motion because
7 there are no comments?

8 COMMISSIONER THOMAS: If you want to leave the
9 status quo, what's the motion?

10 COMMISSIONER SPITLER: Move the staff
11 recommendation.

12 COMMISSIONER THOMAS: Move the staff
13 recommendations.

14 CHAIR BRISSENDEN: It's been moved.

15 COMMISSIONER McMILLIN: Second.

16 CHAIR BRISSENDEN: Moved and seconded. Any
17 discussion? All those in favor?

18 (Commissioners simultaneously voted.)

19 CHAIR BRISSENDEN: Opposed? Motion carries.
20 Next number is -- it takes a tsunami to move you
21 off the funding list.

22 OHV STAFF GREENWOOD: The next item is No. 39,
23 U.S. Forest Service, Plumas National Forest, Project
24 No. G07-02-13-P01. The total project percent was
25 77.25. The requested amount was \$212,000.

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1 COMMISSIONER THOMAS: Going to move that we pass
2 on this item until some of the others are heard.

3 CHAIR BRISSENDEN: Okay. Go on. Out of
4 consideration for my fellow Commissioner, we'll pass on
5 this item for the moment. Go to the next one.

6 OHV STAFF GREENWOOD: Next item is No. 40, the
7 Eldorado National Forest. I think Martha has this one.

8 OHV STAFF IBARRA: Martha Ibarra, grants staff.
9 Line No. 40, United States Forest Service, Eldorado
10 National Forest, Facilities, Operation and Maintenance,
11 Project No. G07-02-03-F01. They received a total
12 percent score of 76.85. They requested \$44,000.

13 JOHN JUE: John Jue, Georgetown Ranger District,
14 Eldorado National Forest. Thank you very much this
15 morning for having a chance to explain and request a
16 rescore for Item No. 4 on page 67 of the factual
17 findings concerning recycling, Part A, solid waste
18 disposal. The agency scored itself a ten. Division
19 finding was a zero. The Forest Service does provide
20 garbage dumpsters at various campgrounds throughout the
21 Eldorado National Forest, and a contract disposal
22 service is responsible for moving the waste.

23 In 2004, according to the Integrated Waste

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24 Management Board website, three of the four counties
25 that contained the Eldorado National Forest were in 225

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1 excess of the 50 percent level of waste diversion.
2 Only Alpine County was less than 50 percent, and they
3 were granted a reduced goal by the Integrated Waste
4 Management Board of 25 percent. And they did score in
5 2004 44 percent. On the Georgetown Ranger District, we
6 have several campgrounds in the Hellhole area that do
7 have recycling containers, and a pack-in / pack-out
8 program is in place for the Rock Creek and Elkins Flat
9 trail systems. Most users do a great job at removing
10 their garbage, but there is some litter that takes
11 place. And this garbage is sorted for recyclables
12 before it's disposed of. If you have any questions, I
13 would be happy to answer them.

14 CHAIR BRISSENDEN: Any comments or questions,
15 Commissioners?

16 COMMISSIONER THOMAS: Did you look at any of the
17 competing applications to show some relationship to why
18 you got a zero versus why others got other numbers?

19 JOHN JUE: I have looked at the other
20 applications, and some of the other applicants did go
21 in-depth about the recycling bins that they have at
22 their particular sites. But where the grant dollars
23 are being spent, we do not have any trash receptacles
24 there.

25 COMMISSIONER THOMAS: Does staff have any 226

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1 explanation of why zero number was given?

2 OHV STAFF CHANCEY: Yes, sir. The question
3 calls for solid waste generated in the project area.
4 Applicant quoted statistics for various counties, and
5 does not describe at all the efforts that are in the
6 project area.

7 VICE-CHAIR ANDERSON: So the Georgetown Ranger
8 District is not a part of the project area?

9 JOHN JUE: No, the Georgetown Ranger District is
10 part of the project area.

11 COMMISSIONER THOMAS: So it says that there are
12 recycling containers in the Georgetown project area,
13 but it gives it a zero.

14 OHV STAFF CHANCEY: But it doesn't illustrate
15 what percentage that is. Percentages are all contained
16 in county-wide statistics. So based upon their
17 application, we were unable to tell how much of it is
18 specific to the project area.

19 COMMISSIONER THOMAS: Well, the Lassen is the
20 next one over, and I just picked it because it's next,
21 got two points, and they don't have any more
22 information than the other one. So to be consistent,
23 you would have to give them at least two points. Now,
24 if I went further, I bet you I could find more points
25 in the next one, but I haven't done it yet. Let's try

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1 it.

2 CHAIR BRISSENDEN: Any other Commissioners?
3 While Mr. Thomas is looking for comparisons, any other
4 Commissioners have comments or questions?

5 COMMISSIONER THOMAS: The next one after that
6 got five points, and it didn't have any percentages

7 either, except that the paper products are 100 percent
8 recyclable, which I remember is .004 tons per year,
9 which will get you just about five seconds on your
10 motorcycle.

11 So I would propose giving them four points just
12 because of the consistency with the other applicants
13 that were in the immediate vicinity and the fact that
14 there is recycling on the Georgetown District, unless
15 staff has some problem with that.

16 VICE-CHAIR ANDERSON: I'll second that.

17 CHAIR BRISSENDEN: I do have public comment on
18 this, as well. So if you want to stand back.

19 Bruce Brazil.

20 OHV STAFF CHANCEY: Mr. Chairman, according to
21 the scoring, the options are ten points, two points, or
22 zero points. So four would not fit in any of our
23 scoring categories.

24 CHAIR BRISSENDEN: That's quite a jump. Okay,
25 Mr. Brazil.

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1 COMMISSIONER THOMAS: Let me follow up on that.
2 So is this a rule that we're bound by this, ten, two,
3 and zero?

4 ATTORNEY LaFRANCHI: Yes, sir.

5 COMMISSIONER THOMAS: There's actually some rule
6 out there that says that the recycling has to be ten,
7 two, or zero?

8 ATTORNEY LaFRANCHI: No. I believe the points
9 that were assigned to the percentages are the points
10 that were established through the regulatory process
11 for this evaluation system. The percentages are

12 established through another program. But in terms of
13 points that are available, ten, two and zero are what
14 are available for this process.

15 COMMISSIONER THOMAS: And there's a regulation
16 that says that?

17 ATTORNEY LaFRANCHI: This --

18 COMMISSIONER THOMAS: Or a rule that you guys
19 adopted under the regulation?

20 ATTORNEY LaFRANCHI: The rule that the Division
21 adopted under the regulation. This form with the
22 points available is the rule.

23 COMMISSIONER THOMAS: What happened to the guy
24 that got five, the third one over? Let me see, I found
25 one here with five, and I didn't even look very hard.

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1 ATTORNEY LaFRANCHI: Are you talking about the
2 operation plan?

3 COMMISSIONER THOMAS: No, I was talking about --
4 I found recycled material.

5 CHIEF JENKINS: I think you may have been
6 looking at another project type, so recycling could
7 then be weighted more heavily in one project than
8 another.

9 VICE-CHAIR ANDERSON: 4(b) is, but 4(a) is ten,
10 two, and zero.

11 COMMISSIONER THOMAS: 4(a) is ten, two, and
12 zero.

13 ATTORNEY LaFRANCHI: 4(b) is five, four, and
14 three. Both have to do with recycling.

15 COMMISSIONER THOMAS: Ten, two, zero.

16 OHV STAFF CHANCEY: I would also note that the
17 U.S. Lassen project that was mentioned earlier, they do

18 indicate that it's within the project area.

19 COMMISSIONER THOMAS: I realize, so two would be
20 consistent. So how about two? How about two? It
21 sounds like I've got a lot of choices, zero or ten. We
22 can't have a ten, that seems a little extreme. So two
23 seems like halfway in the middle.

24 CHAIR BRISSENDEN: Can I take it back to public
25 comment?

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1 COMMISSIONER THOMAS: Yes, so that's my
2 suggestion now that I'm told.

3 COMMISSIONER McMILLIN: Do you second that Judy?

4 VICE-CHAIR ANDERSON: Yes.

5 CHAIR BRISSENDEN: Okay. Mr. Brazil, please.

6 BRUCE BRAZIL: Bruce Brazil, California Enduro
7 Riders Association. And on the subject of their solid
8 waste disposal and such, the funding that is going into
9 the Eldorado, at least in the Georgetown District, is
10 for the OHV areas. If you go to the OHV staging areas,
11 there are no bins for the users to throw their
12 materials into, so they pack it out. Every time I've
13 been into the two staging areas into the Georgetown
14 area, it has been clean. So the public is taking care
15 of this. They are moving it out; therefore, there is
16 no solid waste to separate. So I'd say they're getting
17 the job done in a roundabout way. If you don't have
18 the solid waste to separate, how do you come up with a
19 percentage? The areas are clean. Thank you.

20 CHAIR BRISSENDEN: Thank you.

21 Do you have a question?

22 VICE-CHAIR ANDERSON: Yes. Kind of following up

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23 on Mr. Brazil's observation, the intent of Item 4(a)
24 says, okay, solid waste generated would be diverted
25 away from landfills or transformation facilities. Can
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1 you tell me what a transformation is? Is that a
2 recycling center?

3 COMMISSIONER THOMAS: It's a spiritual event.

4 VICE-CHAIR ANDERSON: What they sometimes call
5 transfer stations in the L.A. area?

6 OHV STAFF CHANCEY: I believe that transfer
7 would be the correct word, a transfer facility.

8 VICE-CHAIR ANDERSON: Okay. So how would you
9 move the solid waste away from a landfill or transfer
10 facility unless you took the waste directly to a
11 recycler? Is that what the intent is here?

12 CHIEF JENKINS: A lot of times when you're
13 looking at this, you've got to look a little more
14 broadly to really understand the scope.

15 VICE-CHAIR ANDERSON: I'm trying to, so help me.

16 CHIEF JENKINS: And we had referenced, I think,
17 in the question here, AB 757, which is something that
18 all state organizations are held responsible to meet,
19 and that's all solid waste generated throughout the
20 operation of an area. So, for instance, if you were
21 building a trail, and as a part of construction of --
22 let's say, a road, let's get away from OHV. You're
23 building a road to a campground, it's going to be
24 paved, make it neutral, and as a result of that you
25 have a lot of fill that has to be moved somewhere. You
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1 can take that to a landfill, you can take it to another
2 location within your area of operation and reutilize
3 it. If you were to take that fill and actually use it
4 to perhaps burn someplace on that road project, then
5 you are avoiding having to take that fill into a
6 landfill site. Another sample would be that during the
7 operation of your facilities you're going to demolish a
8 fence line. You can take it all down, bundle it up,
9 put it in a dumpster and direct it to a landfill or
10 transfer station, or you can take those materials, pull
11 the stuff off of the fence post, reutilize the fence
12 post, and so now you're diverting those materials from
13 the landfill.

14 And so that when you just look at this as
15 aluminum cans and coke bottles and paper, it's a very
16 narrow view of diverting from a landfill because those
17 things are minimal. The amount of impact or the degree
18 that you can divert is very, very small. So most
19 operations when you look at the big reports that come
20 into the state for operations statewide, where you get
21 up to like 50 percent of the waste that you divert into
22 a landfill, what you're looking at is in the operation
23 of that facility. You look at the big dumpsters out
24 behind your operation shop yards and whatnot, and what
25 is in those containers is being taken to a landfill and

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1 how can you divert that waste treatment. And so
2 there's a lot of different things that can be applied
3 to this, and it's a lot more complex than just looking
4 at coke bottles that the visitors bring in.

5 VICE-CHAIR ANDERSON: Thank you; that's helpful.
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6 Let me follow on.

7 Is this scoring at all related to -- since this
8 is an operations and maintenance grant we're looking
9 at, is this related at all to the generic -- is it
10 considered general that everything that you do under
11 operations and maintenance would be evaluated, or would
12 it include other kinds of projects that occur within
13 this same area, since applicants ask for money in more
14 than one category?

15 CHIEF JENKINS: That can only kind of direct us
16 back to the question as it's framed. So it's just
17 saying all waste generated in the project area.

18 VICE-CHAIR ANDERSON: All waste generated within
19 the project area. Okay. Then I need help from the
20 applicant on a 30-second description of what you're
21 going to be doing.

22 JOHN JUE: Essentially the grant application is
23 for cleaning a toilet at Elkins Flat under a contract
24 with a janitorial service. It's for providing portable
25 toilets at Masonville and Bald Mountain staging areas

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1 in the Rock Creek area of the Georgetown Ranger
2 District. It's for putting up some barriers to prevent
3 travel off of the designated routes in the Elkins Flat
4 area, and also preparing some existing fencing in the
5 Masonville area. And it would be patrols for litter
6 pickup, but, again, we don't have garbage receptacles
7 at those facilities.

8 VICE-CHAIR ANDERSON: Personally, my own belief
9 about the most efficient method for an agency to handle
10 the solid wastes that the users generate directly,

11 except I guess for the restrooms, is to pack it in and
12 pack it out. If you bring it in, you take it home. We
13 don't normally require that for the human waste. But
14 I'm confused about how you would -- how the staff would
15 then evaluate if, as Mr. Brazil says, this area is
16 clean and the visitors seem to be taking out all of the
17 use that they're generating. We certainly don't want
18 to have to have them put in dumpsters that are not
19 needed currently, so.

20 CHIEF JENKINS: To help clarify, I think what
21 you're getting at, in other words, what this is trying
22 to address is not that you have to have big dumpsters
23 rolling out back, because that would be a sign of
24 failure, but for the applicant to be able to articulate
25 here is the waste that we generate on site, and it may

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1 be minimal, as it sounds like in this case, and here is
2 the percentage of that waste that we don't take to a
3 landfill or to a transformational station -- and we
4 were just checking our notes. So a transformational
5 station would be where you take, for instance, if you
6 had brush --

7 VICE-CHAIR ANDERSON: Mixed recyclables and you
8 separate them.

9 CHIEF JENKINS: No, transformational is where
10 you're going to transform it from one form to another.
11 So you're going to take wood and burn it. Like at a
12 cogeneration plant, you're transforming it. It was
13 wood, now it's ashes. It's been transformed. Or you
14 can compost stuff. So you're taking it from one state
15 to another.

16 In any case, what we're getting at here is you

17 would look at everything that you generate that could
18 possibly go to a landfill or transformational station
19 and tell us how you handle it, what percentage of it
20 you keep on site and reutilize or handle on site
21 without taking it off site. So if you only generate
22 eight garbage cans full of waste and you recycle and
23 take care of all of those within the scope of this,
24 that would be 100 percent. So it really is just kind
25 of numbers, how much do you generate and how much do

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1 you divert from the landfill.

2 COMMISSIONER THOMAS: That's a pretty good
3 incentive. You get ten points. That's a good job.
4 Behavior will change.

5 CHIEF JENKINS: Thank you.

6 CHAIR BRISSENDEN: Any further comments or
7 questions of the applicant? There was a motion for two
8 points and a second.

9 COMMISSIONER THOMAS: That's consistent. I've
10 done a quick survey, Mr. Chairman, and given the
11 surrounding grants, that's consistent with the
12 assignment.

13 CHAIR BRISSENDEN: All those in favor?
14 (Commissioners simultaneously voted.)

15 CHAIR BRISSENDEN: Opposed? Motion carries.

16 JOHN JUE: Thank you very much for your
17 reconsideration.

18 CHAIR BRISSENDEN: So we have nine left. It's
19 12:05. I have a 40-year old son to celebrate that I
20 planned about ten months ago for this date, so I am
21 going to pass the gavel to Judith, unless you want to

22 take a break for lunch, since I think those next ten
23 items may take 10 to 15 minutes each, and the scribe is
24 also saying yes to a break.

25 VICE-CHAIR ANDERSON: I need to check out of my
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1 hotel.

2 CHAIR BRISSENDEN: They would love to charge you
3 another night, too.

4 VICE-CHAIR ANDERSON: Yes, I know they would.

5 CHAIR BRISSENDEN: So what's -- I can pass the
6 gavel and say good-bye, and you can go on or do you
7 want to take a break?

8 VICE-CHAIR ANDERSON: I need a break.

9 COMMISSIONER SPITLER: Good time for lunch.

10 CHAIR BRISSENDEN: Good time for lunch.

11 VICE-CHAIR ANDERSON: What time are we going to
12 resume?

13 CHAIR BRISSENDEN: I would suggest 1:15.

14 ATTORNEY LaFRANCHI: Chair Brissenden, you could
15 pass the gavel, and that would be your official duty,
16 and then we can go to lunch.

17 CHAIR BRISSENDEN: Then you can go to lunch,
18 okay. So thank you all. Have wonderful holidays, and
19 we will see you in March.

20 (Chair Brissenden passed the gavel to Vice-Chair
21 Anderson.)

22 VICE-CHAIR ANDERSON: All right. We will take
23 an hour for lunch.

24 (Lunch break taken in proceedings.)

25 VICE-CHAIR ANDERSON: We are looking at No. 41,
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1 Plumas.

2 OHV STAFF GREENFIELD: Item No. 41, U.S. Forest
3 Service Plumas National Forest, Project No.
4 G07-02-13-T01. Total project percent is 76.81. The
5 requested amount is \$87,000.

6 FRED KRUGER: Good afternoon, Commissioners, my
7 name is Fred Kruger. I'm the public service staff in
8 charge of recreation, engineering, lands and minerals
9 for the Plumas National Forest, which is north of
10 Oroville. What I would like to have the Commissioners
11 look at is under the general criteria. Where we would
12 like to look at specifically is No. 4(a) and (b).

13 COMMISSIONER McMILLIN: Do you have a page
14 number?

15 VICE-CHAIR ANDERSON: Hang a second here. Page
16 four, we've got 52 of 266. You can't go in the yellow
17 binder. You have to go in the white one.

18 COMMISSIONER THOMAS: 255, right? No.

19 VICE-CHAIR ANDERSON: No, 52 of 266 in the white
20 binder.

21 COMMISSIONER THOMAS: I don't have a white
22 binder. I didn't bring white binders. I didn't bring
23 that binder. Why is it not in the --

24 VICE-CHAIR ANDERSON: Because that's trail
25 specific. This is generic. He asked for the general
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1 grant.

2 COMMISSIONER THOMAS: Very good. Thank you.

3 CHIEF JENKINS: As we proceed, we should keep in
4 mind -- this is a question about the general criteria?

5 FRED KRUGER: Yes, sir.

6 CHIEF JENKINS: And we have passed some of your
7 projects on Consent with that general criteria. And so
8 any changes to this would need to, I believe, reopen
9 those other items, as well.

10 COMMISSIONER THOMAS: We held the planning
11 grant. So if you modify 41, also in the general
12 criteria, doesn't it modify 39, as well, the planning
13 grant? Or are you talking about another grant?

14 VICE-CHAIR ANDERSON: Restoration or
15 Conservation already.

16 DEPUTY DIR. GREENE: Currently we're looking at
17 Item No. 41 on the planning grant. Item No. 39, which
18 hasn't been discussed yet, but if, in fact, yes, when
19 the general -- I think Allen mentioned it earlier, when
20 the general planning criteria is considered, then those
21 items are approved on Consent, that would then be the
22 approval of those general criteria, as well. So to
23 question it at this time would mean that the Commission
24 would need to go back, and if it was determined now
25 that there would be a change, we would need to go back

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1 and consider those other two.

2 COMMISSIONER McMILLIN: Does that mean we have
3 to go back and talk about them or just throw the math
4 at them?

5 DEPUTY DIR. GREENE: Perhaps the latter, yes.

6 COMMISSIONER THOMAS: Because one category is
7 fully funded, so it won't matter, the Conservation
8 category. They have four grants; is that correct? So
9 a change in the general criteria will affect four

10 grants, and one of them is a Conservation grant, so
11 that won't change because it's -- the whole category is
12 fully funded. The operations and maintenance grant,
13 might affect it. The other two, we need to consider.

14 DEPUTY DIR. GREENE: I just need to make you
15 aware of it.

16 COMMISSIONER THOMAS: Could you tell us if the
17 operations and maintenance grant would be affected by a
18 change in the criteria?

19 DEPUTY DIR. GREENE: We could do that if, in
20 fact, the Commission decides that there would be a
21 change based on a determination in this case, yes.

22 COMMISSIONER THOMAS: Yes, I'm just
23 anticipating --

24 DEPUTY DIR. GREENE: Yes.

25 COMMISSIONER THOMAS: -- is there prejudice to
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1 someone else? That's my question.

2 DEPUTY DIR. GREENE: Exactly. We could make
3 that determination if, in fact, you uphold this
4 applicant.

5 COMMISSIONER THOMAS: Perhaps the staff can look
6 at the category and tell us if we make a five or eight
7 percent change, is there a prejudice to multiply?

8 DEPUTY DIR. GREENE: Perhaps you might just
9 consider his request first and if it has merit? That
10 might be an easier way to do it, Commissioner Thomas.

11 COMMISSIONER THOMAS: It's off the chart anyway.

12 VICE-CHAIR ANDERSON: There are three --

13 COMMISSIONER THOMAS: It's not going to be
14 funded.

15 VICE-CHAIR ANDERSON: There are three non-CESA
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16 applications, correct?

17 FRED KRUGER: That's correct.

18 VICE-CHAIR ANDERSON: One is No. 69 --

19 FRED KRUGER: That's correct.

20 VICE-CHAIR ANDERSON: -- 41, and 39.

21 COMMISSIONER THOMAS: Good. 69 won't be

22 affected because it's already not to be funded, and

23 it's been approved on the Consent as it is. The other

24 two, one is fully funded, and the other one is being

25 considered now. So we're fine.

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1 FRED KRUGER: Okay. So under general criteria,
2 we noted straight up with the application process that
3 we had requested an extension from the Division for one
4 of the first Restoration grants for \$700,000 at the
5 Plumas National Forest. We fully completed that grant,
6 however. The deliverable was 71 miles of road closure,
7 which we did, and as we had informed the Commission and
8 the Division, we had money left over. So we asked for
9 an extension in order to expend those funds to complete
10 another 25 miles, which was explained in the narrative.
11 And we had noted the extension, but the fact is we did
12 100 percent of those deliverables. Then on the
13 cross-country ski trail, we also asked for an
14 extension. We shouldn't have noted that probably
15 because we requested it due to the fact that we did not
16 receive any snow last year, something beyond our
17 control, but we did, so we'd like to have that changed.

18 And then moving down to confirmation of
19 deliverables, we believe we checked the box for a 90
20 percent completion, which is 4(b), however that didn't

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21 show up in our grant. We would like to request that --
22 90 percent of the deliverables are accomplished for
23 those two grants up above, and we'd like to have
24 that -- the overall average was 90 percent of the
25 deliverables accomplished, we like to have that box

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1 checked as number two.
2 Then the last item is No. 7(a) and (b), and this
3 is national cultural resources, and it's what we
4 call -- or is known as a double negative because it
5 deals with no known special status species. We checked
6 yes, and then the wizard moved us right across to
7 Item 7(b), which we would have then checked no to gain
8 five points, but we couldn't because the wizard moves
9 you right across. We did check yes in error. It
10 should have been (b), but again, we didn't understand
11 that. We request that that change be made, as well.
12 That was a definite wizard problem on that last one,
13 Item 7(b) under natural and cultural resources.

14 COMMISSIONER THOMAS: We can ask staff on the
15 wizard issue. Is that just a syntax comprehensive
16 issue? In other words, if the information is presented
17 as accurate, they would naturally have been able to
18 check the box, and they would have gotten the
19 additional five points; am I correct?

20 OHV STAFF GREENFIELD: You'll notice in the
21 response, the narrative supplied contradicts him, so I
22 think there was probably some misunderstanding with
23 that question. It is a double negative question.

24 COMMISSIONER THOMAS: So the information that is
25 being presented would allow us to change that and not

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1 violate any of your rules?

2 OHV STAFF GREENFIELD: Yes.

3 COMMISSIONER THOMAS: Okay. Thank you. So five
4 and two -- the error was the checked box, and then the
5 error is five points. And the general criteria again,
6 first point how many -- I'm working with a bar diagram.

7 VICE-CHAIR ANDERSON: I'm sorry.

8 COMMISSIONER THOMAS: No, it's your document.
9 The first issue was at page 52 of 266; is that right?
10 Staff, is that where the general criteria for
11 deliverables point is raised? Perhaps you can help me?
12 Let me ask a better question.

13 Assuming the applicant's information as
14 initially presented is accurate, what is the effect on
15 the scoring; is it from 28 to 30? And I'm looking at
16 page 52 of 266. If they had 100 percent completion of
17 deliverables, what would the change in score be? It
18 looks to me at page 53 of 266 that you get three points
19 for 100 percent, two points for 90, and one point for
20 80, and they got zero; is that correct?

21 OHV STAFF CHANCEY: That's correct.

22 COMMISSIONER THOMAS: So if we would change it
23 to three points, if their information is accurate, you
24 would naturally have given them three points; is that
25 right?

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1 OHV STAFF CHANCEY: Correct.

2 COMMISSIONER McMILLIN: You only requested two,
3 though, right?

4 FRED KRUGER: We believe we have the 90 percent
5 category there for two; that is correct.

6 COMMISSIONER THOMAS: You're asking for two.
7 I'm not going to give you more than you're asking for.

8 All right. I would move this item with the two,
9 two, and five changes that have been discussed, plus
10 two, plus two is five.

11 COMMISSIONER McMILLIN: Two twos.

12 VICE-CHAIR ANDERSON: Where is the second two?

13 COMMISSIONER THOMAS: That's the confirmation of
14 deliverables, check the box that did not get displayed.
15 Why don't you tell us again what is the page and line
16 number of the application?

17 FRED KRUGER: Unfortunately, I don't have the
18 page number with me, but that's what it would be was
19 the two, two, and five.

20 VICE-CHAIR ANDERSON: Two points for the
21 confirmation of deliverables.

22 FRED KRUGER: And then the one above it, funds
23 expended in a timely manner, because we did 100 percent
24 of the deliverables, 71 miles of road closures, as well
25 as the cross-country ski trail, okay, for two.

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1 COMMISSIONER THOMAS: And then five for the
2 double negative problem?

3 FRED KRUGER: That's correct.

4 COMMISSIONER THOMAS: Okay. So I would make
5 that motion.

6 COMMISSIONER SPITLER: Second.

7 VICE-CHAIR ANDERSON: Discussion? Anyone
8 wishing to comment on this one?

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9 COMMISSIONER McMILLIN: Staff.
10 COMMISSIONER THOMAS: Move the question.
11 OHV STAFF GREENFIELD: Just to confirm, is it
12 4(b) and 4(c) that you're adding two points?
13 VICE-CHAIR ANDERSON: 4(b).
14 OHV STAFF GREENFIELD: 4(b) is the percent of
15 deliverables.
16 VICE-CHAIR ANDERSON: 4(a).
17 FRED KRUGER: 4(a) and 4(b).
18 VICE-CHAIR ANDERSON: 4(a) and 4(b).
19 OHV STAFF GREENFIELD: Thank you.
20 VICE-CHAIR ANDERSON: And seven.
21 COMMISSIONER THOMAS: That's correct.
22 FRED KRUGER: (a) and (b).
23 VICE-CHAIR ANDERSON: (a) and (b).
24 OHV STAFF STALLCOP: One person talking at a
25 time would be helpful.

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1 VICE-CHAIR ANDERSON: Okay. Everybody square?
2 All right. You're ready to vote?
3 COMMISSIONER McMILLIN: Yes, we have it.
4 VICE-CHAIR ANDERSON: All those in favor?
5 (Commissioners simultaneously voted.)
6 VICE-CHAIR ANDERSON: The motion carries. Thank
7 you.
8 FRED KRUGER: Thank you very much members of the
9 Commission and the Division.
10 COMMISSIONER THOMAS: Can the staff tell us what
11 that changes on the Consent Calendar sheet in front of
12 us; what is that new score?
13 OHV STAFF CHANCEY: We'll calculate that.
14 COMMISSIONER THOMAS: Now, we go to Sierra.

15 VICE-CHAIR ANDERSON: Okay. The next one is
16 line 43, Sierra National Forest Planning.

17 OHV STAFF GREENFIELD: Item No. 43, U.S. Forest
18 Service, Sierra National Forest, Project No.
19 G07-02-17-P01. The total project percent of 77.46.
20 The requested amount is \$27,000.

21 VICE-CHAIR ANDERSON: Now I'm trying to find a
22 page.

23 SUSAN BURKINDINE: Good afternoon, I'm Susan
24 Burkindine, Assistant Recreation Officer for the Sierra
25 National Forest. For the general criteria on section
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1 four --

2 VICE-CHAIR ANDERSON: Okay. That requires
3 another document. Is it in that document?

4 COMMISSIONER THOMAS: I don't see it.

5 VICE-CHAIR ANDERSON: I found it, general
6 criteria. Here you go. We're now in volume nine.

7 COMMISSIONER THOMAS: Go ahead.

8 SUSAN BURKINDINE: All right. On section four
9 under cost of OHV program for most recent completed
10 fiscal year, it shows zero for 2006, which was the year
11 that is most recently completed when we were filling
12 out this document. The amount that we calculated was
13 \$397,000 for the program for 2006. Our baseline
14 program runs around \$320,000, and we had some extra
15 funding from another source of which that which didn't
16 replace salaries was added on to it, and that includes
17 \$15,000 from the grant listed there in the middle, the
18 OR-2-SI-276. We received three grants 2004. We
19 received zero grants in 2005. So all of the funds on

20 these grants, even though they finished in January
21 2006, which were the billing dates or the Restoration
22 one, which had an ending date of 8/31/2007, as of early
23 2006, there was 15,000 left. So that 15,000 is
24 calculated in the 393. Due to the error of not showing
25 that, they did not show that the funds by the OHV Trust

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1 Fund was less than 10 percent. And basically what we'd
2 like to have is instead of them -- the marking of no
3 OHV Trust Funds were used, which is inaccurate, and
4 that is what the state noted, it is ten percent or less
5 of the program, and we recommend that you approve the
6 three points.

7 COMMISSIONER McMILLIN: Does staff agree with
8 that today?

9 OHV STAFF GREENFIELD: Again, there was nothing
10 on the application -- we didn't have anything to score
11 because there was nothing there. If you look in the
12 percent funded by OHV Trust Funds.

13 SUSAN BURKINDINE: And I agree we had nothing
14 there.

15 OHV STAFF GREENFIELD: Exactly.

16 COMMISSIONER McMILLIN: So today it sounds
17 logical?

18 OHV STAFF GREENFIELD: If you're asking, yes.

19 COMMISSIONER McMILLIN: I was asking. Is that
20 the only --

21 SUSAN BURKINDINE: That's the only point.

22 VICE-CHAIR ANDERSON: The only item you were
23 drawing attention to?

24 SUSAN BURKINDINE: Yes.

25 VICE-CHAIR ANDERSON: Thank you.

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1 ATTORNEY LaFRANCHI: Could I just ask, Madam
2 Chair, is this new information or can you point to some
3 place in the application where the percentage of OHV
4 funds used is stated?

5 SUSAN BURKINDINE: No, I can't point. They
6 failed to put it in. So if you -- worst case scenario
7 is you go with staff directions. I'm doing my best
8 case to show that it was supposed to be a number put in
9 there and it was not put in there.

10 DEPUTY DIR. GREENE: So a number from you guys?

11 SUSAN BURKINDINE: Yes. The Sierra National
12 Forest, they apparently skipped over it or they didn't
13 put it in. I have no evidence of what caused the zero
14 to be there. We know it's not the wizard. It's the
15 operator. For 2006, it should have been \$393,000.

16 VICE-CHAIR ANDERSON: I'm wondering, are we just
17 talking about a checkmark in a box? Because at the
18 very bottom of the page, it says applicant's score is
19 four. So it looks like there was an intent -- oh no,
20 there is an X up there. I'm sorry, I'm misreading.
21 Okay. So you're saying now that the X should have
22 been?

23 SUSAN BURKINDINE: It should have been in the
24 ten percent or less of the program; however, as the way
25 the grant was submitted, it did not have any of the

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1 dollars in there, and the staff stated next to the
2 Division findings of zero that the item checked is
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3 inconsistent with the projects listed above. The
4 inconsistency is -- my guess is since they were
5 two-year grants, they were counting the over \$200,000
6 worth in the amount allocated column. What I'm saying
7 is there were dollars in 2006. There were appropriated
8 dollars in 2006. It is not properly displayed here.

9 ATTORNEY LaFRANCHI: Madam Chair, this sounds to
10 me like it's a clarification issue, as opposed to a
11 lack of information in the application.

12 VICE-CHAIR ANDERSON: Right.

13 ATTORNEY LaFRANCHI: What you've got is a box
14 checked for four points when there is no information,
15 so I think you could consider this as a clarification
16 to clean up the problem, if you will.

17 OHV STAFF GREENFIELD: And if I just may add to
18 that, with the wizard, if there wasn't anything entered
19 in that percent funded by OHV Trust Funds, the
20 appropriate box was automatically checked. So because
21 there was nothing there, it automatically checked that
22 the applicant was -- it was not required for the
23 applicant to check that.

24 VICE-CHAIR ANDERSON: So sometimes it
25 anticipated things which led people to forget to do a
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1 step. Okay. All right. For clarification purposes,
2 do you want to make a motion?

3 COMMISSIONER THOMAS: Go ahead.

4 VICE-CHAIR ANDERSON: All right. I'll move the
5 clarification of Item No. 4(c), agency contribution.
6 With the clarified information, I think we could
7 indicate a score of four.

8 COMMISSIONER THOMAS: Three.
9 VICE-CHAIR ANDERSON: Three, excuse me, I'm
10 misreading my own line.
11 COMMISSIONER THOMAS: I'll second that.
12 VICE-CHAIR ANDERSON: Okay. Discussion anyone?
13 Okay. Are you ready to vote?
14 COMMISSIONER THOMAS: Ready to vote.
15 VICE-CHAIR ANDERSON: Okay. All those in favor?
16 (Commissioners simultaneously voted.)
17 VICE-CHAIR ANDERSON: Opposed? Unanimous.
18 Thank you. Motion carries.
19 SUSAN BURKINDINE: Thank you very much.
20 OHV STAFF GREENFIELD: The next item, 46, Palm
21 Springs South Coast Field Office, Border Mountain
22 Planning, Project No. G07-01-13-P01.
23 MONA DANIELS: Mona Daniels, Palm Springs Field
24 Office --
25 OHV STAFF GREENFIELD: May I finish?

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1 MONA DANIELS: Thank you.
2 OHV STAFF GREENFIELD: Staff is not quite done.
3 We get to finish first.
4 The total project percent is 74.92. The
5 requested amount is \$155,000.
6 OHV STAFF STALLCOP: Wrong amount.
7 OHV STAFF GREENFIELD: Correction to that,
8 requested amount is \$119,000.
9 MONA DANIELS: Good afternoon, staff, good
10 afternoon, Commissioners. Once again, I'd like to
11 bring your attention to the general criteria number
12 seven. This is a double negative question which our
13 office also had problems addressing. And due to that

14 problem, we've also lost five points in the scoring
15 criteria. We would like your attention on this.

16 COMMISSIONER McMILLIN: Specifically where?

17 MONA DANIELS: General criteria number seven, in
18 our grant, it's page 55, if that helps.

19 VICE-CHAIR ANDERSON: No.

20 OHV STAFF GREENFIELD: Page 188.

21 VICE-CHAIR ANDERSON: 188, thank you. Here it
22 is.

23 MONA DANIELS: This is in regards to the special
24 status species --

25 VICE-CHAIR ANDERSON: No. 7.

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1 COMMISSIONER THOMAS: Is it No. 7?

2 VICE-CHAIR ANDERSON: Yes.

3 MONA DANIELS: Yes.

4 COMMISSIONER THOMAS: Okay. All right.

5 MONA DANIELS: In this statement, because of the
6 negative, the double negative statement, we answered it
7 yes and filled out the information in regards to the
8 special status that we had, species that we had
9 concerns about. We followed it through with our
10 answer, and it requested that if we did say yes, that
11 we were to go to skip number (b), which we did, and by
12 doing so we lost our five points. We do utilize
13 monitoring for special status species, and the double
14 negative statement threw this.

15 COMMISSIONER SPITLER: Is that the only issue
16 you have with the score?

17 MONA DANIELS: That is the only issue we have.

18 COMMISSIONER SPITLER: I move to add the five

19 points.

20 COMMISSIONER THOMAS: I'll second.

21 COMMISSIONER SPITLER: Discussion? Call the
22 question.

23 VICE-CHAIR ANDERSON: Yes, okay. There was no
24 discussion on this? Okay. All right. There's no
25 comments? Call the question. All those in favor?

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1 (Commissioners simultaneously voted.)

2 VICE-CHAIR ANDERSON: Opposed? Okay. Carried.
3 Thank you. You got your five points.

4 COMMISSIONER THOMAS: Item 47.

5 COMMISSIONER McMILLIN: 47 was also covered by
6 the same discussion.

7 VICE-CHAIR ANDERSON: So since we fixed the
8 general criteria.

9 MONA DANIELS: And 54 will also be.

10 COMMISSIONER THOMAS: It will ripple through to
11 the next 47, as well.

12 VICE-CHAIR ANDERSON: So nothing happens on the
13 next one.

14 COMMISSIONER SPITLER: So we pulled this one off
15 of Consent, so we have to do something with it.

16 VICE-CHAIR ANDERSON: Okay. Carry with the
17 revised score as noted in the previous grant.

18 COMMISSIONER SPITLER: Was that a motion?

19 VICE-CHAIR ANDERSON: I'll move that, yes.

20 COMMISSIONER THOMAS: I'll second it.

21 MONA DANIELS: On all three projects?

22 COMMISSIONER SPITLER: We will do it one at a
23 time.

24 MONA DANIELS: Okay. Thank you.

25 VICE-CHAIR ANDERSON: Any further comments on 256

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1 this? All those in favor?

2 (Commissioners simultaneously voted.)

3 VICE-CHAIR ANDERSON: Opposed? Carried. Thank
4 you.

5 And we might as well take the last one, 54, on
6 trail maintenance. If this is the same, you have no
7 other questions?

8 MONA DANIELS: No other questions.

9 VICE-CHAIR ANDERSON: All those in favor?
10 (Commissioners simultaneously voted.)

11 VICE-CHAIR ANDERSON: Opposed? Carried. Thank
12 you. No. 54 is done.

13 MONA DANIELS: Thank you very much.

14 VICE-CHAIR ANDERSON: All right. Next, No 50.

15 OHV STAFF IBARRA: Martha Ibarra, OHV staff.
16 Line No. 50, Stanislaus County Frank Raines Regional
17 OHV Park Facility, operations and maintenance, Project
18 No. G07-03-20-F01. The total project percent is 73.99.
19 They requested \$219,000.

20 JAMES PURSLEY: Good afternoon, Madam Chair,
21 Commissioners, staff, my name is James Pursley. I
22 currently operate and manage Frank Raines OHV Park in
23 Stanislaus County. I'm here today representing both
24 Frank Raines and La Grange, Stanislaus County's two OHV
25 Parks. In an effort to conserve the Commission's time,
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1 I would like to request a review on the same two items
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2 of both of our grant applications, if at all possible.

3 VICE-CHAIR ANDERSON: Are they in general or
4 speci fic?

5 JAMES PURSLEY: I don't understand. We have two
6 FOAM grants, one for each park. We would like to
7 correct the same two items in both grants.

8 VICE-CHAIR ANDERSON: Which are?

9 JAMES PURSLEY: Item 4(a) under recycling and
10 Item 1 under agency staff.

11 VICE-CHAIR ANDERSON: Help me, staff, are those
12 general or speci fic?

13 JAMES PURSLEY: Project.

14 OHV STAFF IBARRA: Project speci fic.

15 VICE-CHAIR ANDERSON: I just need to know which
16 volume I'm looking at. Thank you. Give me a moment.

17 JAMES PURSLEY: No problem.

18 COMMISSIONER THOMAS: I've got it here.

19 VICE-CHAIR ANDERSON: Page?

20 COMMISSIONER THOMAS: It's page 56 out of 277.

21 VICE-CHAIR ANDERSON: For the first one.

22 COMMISSIONER THOMAS: I guess it's the same
23 issue for both.

24 VICE-CHAIR ANDERSON: Okay.

25 JAMES PURSLEY: Upon personal review of the

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1 grants application, there are two corrections I would
2 like to make. First, I immediately noticed that Item 4
3 under project criteria, Item 4(a), our percentage of
4 recycling and reuse efforts were greatly understated.
5 This effort was based on our overall community
6 recycling rate and not our actual OHV parks. As stated

7 earlier, I manage Frank Raines OHV and have personally
8 pulled all of our solid waste receipts and a portion of
9 our recycling receipts. After analyzing this waste
10 information using the waste reduction recycling
11 worksheet provided by the California Integrated Waste
12 Management Board on solid waste generation, disposal
13 and diversion measurement guide for state agencies and
14 large state facilities, I have calculated the diversion
15 rate to be at least 62.9 percent. But please keep in
16 mind, this does not take into account all of our
17 traditional recycling. Collected recycles have yet to
18 be taken in and the tremendous amount of reuse as
19 outlined in your Stanislaus County OHV waste reduction
20 and recycling program.

21 In regards to La Grange, they have no developed
22 camping and therefore produce only a small fraction of
23 the nonrecycled solid waste that Frank Raines does.
24 And recycling and reuse efforts are just as strong.
25 They are operating at approximately the same percentage

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1 as our park. Under the project evaluation criteria,
2 Item 4(a), recycling, we originally selected 25 percent
3 for two points and are requesting the selection be
4 changed to 50 percent or better for a total of ten
5 points.

6 Secondly, in both of our grant applications,
7 under project criteria, Item 1, agency match, we
8 elected to match at 10 to 25 percent for three points.
9 I have been given the instruction to increase our match
10 to the selection of 26 to 35 percent for five points.

11 COMMISSIONER THOMAS: Prospective, future?

12 JAMES PURSLEY: Excuse me?

13 COMMISSIONER THOMAS: That's prospective in the
14 future.

15 JAMES PURSLEY: For this grant, yes. What are
16 you talking about, as far as the recyclables?

17 COMMISSIONER THOMAS: Increasing the match is
18 prospective, you're proposing it now? It wasn't
19 proposed initially?

20 JAMES PURSLEY: No, I believe our director was
21 under the impression, through our grant writer, that
22 our selection was either 25 or 50 percent with no
23 middle ground. Making her aware of this, she's elected
24 to bump it up to the next level for both of our
25 applications.

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1 VICE-CHAIR ANDERSON: Staff comment?

2 COMMISSIONER THOMAS: Could we have some
3 feedback on the substance of these proposals?

4 OHV STAFF IBARRA: For question one, which I
5 believe he wants to increase his score from 10 to 25
6 percent to --

7 JAMES PURSLEY: To 26 to 35.

8 OHV STAFF IBARRA: -- 26 to 35, this number is
9 based on their agency contribution in the project cost
10 deliverables. And the project cost deliverables that
11 they identified that would be their agency contribution
12 is actually 25 percent. So this is why it was scored
13 three points.

14 VICE-CHAIR ANDERSON: Okay. So this is based on
15 the numbers that they reported within the application
16 of how much money they were putting into the project?

17 OHV STAFF IBARRA: Yes.

18 VICE-CHAIR ANDERSON: Okay. Next.

19 COMMISSIONER McMILLIN: And what he's saying now
20 is they want to put more money in.

21 JAMES PURSLEY: They want to put more money in.

22 COMMISSIONER McMILLIN: That's a tad more than
23 just information we didn't have or clarification.
24 That's kind of like --

25 JAMES PURSLEY: I understand. There was

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1 confusion on our side as far as whether or not we could
2 contribute 25 -- they understood there was no middle
3 ground between 25 and 50. And in the past, we had
4 always done 25 percent. And with her coming to the
5 realization there is a selection in between, they would
6 like to contribute more money, if possible.

7 VICE-CHAIR ANDERSON: And the next criteria?

8 OHV STAFF IBARRA: The next criteria was 4(a),
9 and their response that we gave, we concurred with the
10 score that they scored themselves. So unless
11 there's -- I obviously didn't quite hear what you
12 added, but if it was not in the narrative, we would not
13 have known that, and therefore we concurred with the
14 score that you scored yourself.

15 JAMES PURSLEY: I understand. I don't believe
16 they are adding any new information, just the estimate
17 was grossly understated. It was taken from our
18 community as a whole versus our actual OHV parks. I
19 personally ran the numbers using the solid waste
20 generation, disposal and diversion measurement guide
21 provided through the California Integrated Waste
22 Management Board for state agencies and large
23 facilities.

24 VICE-CHAIR ANDERSON: So you're talking about
25 3(b), right?

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1 OHV STAFF IBARRA: 4(a).

2 JAMES PURSLEY: 4(a), recyclables.

3 OHV STAFF IBARRA: The solid waste disposal.

4 VICE-CHAIR ANDERSON: But you already have ten
5 points.

6 OHV STAFF IBARRA: No, it's actually two points.
7 It's page 48 of the non-CESA project.

8 VICE-CHAIR ANDERSON: I'm looking on the wrong
9 page. I'm looking at the wrong application. Nothing
10 like missing the mark. All right, sorry. I see.

11 OHV STAFF STALLCOP: Are you in the yellow book?

12 VICE-CHAIR ANDERSON: I'm in the yellow book and
13 the yellow brick. All right. Okay. Commissioners,
14 what's your pleasure?

15 COMMISSIONER McMILLIN: I would make a
16 recommendation that we leave it alone with staff's
17 recommendation. That would be the motion.

18 COMMISSIONER THOMAS: I think we have to do that
19 to be consistent. Because one's failure to read the
20 words solid waste generated in the project area, is a
21 defect that originates with the applicant. I don't
22 know.

23 JAMES PURSLEY: Didn't we have a change in this
24 area already? I believe we had a two point correction
25 on a prior person for the same information, same one.

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1 Yes, sir.

2 COMMISSIONER THOMAS: Let me see. I'll have to
3 go back. I thought that was because it was not
4 misreported but -- well, anyway, I'll go back.

5 Can staff help us out?

6 CHIEF JENKINS: I'm sorry, I was just reading
7 through their answer. This is one of the most
8 comprehensive answers to this question that I've seen
9 on this particular item, and as I read through this, it
10 looks like there is quite a significant amount of
11 actual solid waste that's being diverted as a part of
12 the program. And from what I understand, the issue at
13 hand is does that percentage -- when they answered it,
14 they were looking at what percentage of the county's
15 solid waste does that represent, as opposed to counting
16 what the project area's waste does that represent. So
17 I think all of the information is here, and the
18 applicant is clarifying their answer.

19 VICE-CHAIR ANDERSON: I'm sorry, we have to
20 start again.

21 COMMISSIONER McMILLIN: Start over.

22 VICE-CHAIR ANDERSON: Part of the problem is
23 that we are confusing the two applications we're
24 looking at, which was why I was on the wrong page
25 before. This is Frank Raines Regional OHV Park

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1 Facilities Operations and Maintenance grant Item
2 No. 50, page 46, which is where I think we were just
3 talking about -- or 48 is within the Santa Clara County
4 Parks Department, the Santa Clara --

5 JAMES PURSLEY: No, they were numbers -- Frank

6 Raines is No. 50. La Grange is No. 59.

7 VICE-CHAIR ANDERSON: Okay.

8 JAMES PURSLEY: They're both FOAM grants, and we
9 would like to make the same two corrections on both
10 grants.

11 VICE-CHAIR ANDERSON: Did you pull both of them
12 from the Consent Calendar?

13 JAMES PURSLEY: Yes, we did.

14 VICE-CHAIR ANDERSON: Okay. I'm sorry.

15 JAMES PURSLEY: No problem.

16 VICE-CHAIR ANDERSON: All right. Then I'm back
17 to -- we're back to Frank Raines. I apologize,
18 everyone, I'm sorry about.

19 COMMISSIONER THOMAS: Don't apologize.

20 JAMES PURSLEY: It's confusing.

21 COMMISSIONER McMILLIN: Can I withdraw my motion
22 and ask staff to help us?

23 VICE-CHAIR ANDERSON: Yes, please.

24 COMMISSIONER McMILLIN: Because where I was
25 going was -- I can't be specific with the word, is

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1 adding the new matching funds right now to get over the
2 next hurdle I thought was not a good idea. So wherever
3 those points were, I would say the motion would be not
4 in favor of those. But if they're doing the right
5 thing on disposal, and we had done that before lunch
6 with another one, then we probably need to be fair with
7 that.

8 CHIEF JENKINS: So to address my oral
9 specifically to the disposal item, it looks like they
10 have a very robust program here of solid waste, of
11 diverting solid waste away from the landfills. And it

12 was just a misunderstanding of the question, and so
13 they are now clarifying that. In relation to their
14 solid waste generated on site, they actually are at 50
15 percent or greater, and all of the information is here
16 to support that. So I would suggest you can treat this
17 as a clarification and give them full points.

18 COMMISSIONER THOMAS: And I understood you
19 earlier when you said that. But can you help us out by
20 telling us when we made the earlier change, I believe
21 it was on the Lassen, so we can compare what we did
22 there? I thought there was a distinction.

23 OHV STAFF IBARRA: It was the Eldorado FOAM
24 project.

25 COMMISSIONER THOMAS: And what page is that so
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1 that we can compare the two?

2 OHV STAFF IBARRA: It's in the yellow non-CESA
3 book, page 65.

4 COMMISSIONER THOMAS: Sixty-five, all right.

5 Thank you.

6 OHV STAFF IBARRA: Give or take a few pages.

7 COMMISSIONER THOMAS: Yes, I've got it marked.

8 VICE-CHAIR ANDERSON: Oh, I see. This is where
9 we gave them two.

10 COMMISSIONER THOMAS: As I understand it, the
11 error in the earlier application was that while
12 Division gave them zero, the facts supported a two.

13 VICE-CHAIR ANDERSON: Yes.

14 COMMISSIONER THOMAS: And that's different than
15 the wrong checked box in the second problem; am I
16 right?

17 CHIEF JENKINS: Yes, the first situation was we
18 had not understood their response fully.

19 COMMISSIONER THOMAS: Right.

20 CHIEF JENKINS: In this situation, they had not
21 understood the question fully.

22 JAMES PURSLEY: It's a confusing question.

23 COMMISSIONER THOMAS: It's a burden of proof
24 problem when it's on the applicant or the staff. I got
25 it. Thank you.

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1 COMMISSIONER McMILLIN: So, Phil, that takes
2 them up from two to ten?

3 CHIEF JENKINS: There's enough information here
4 to justify a ten.

5 COMMISSIONER McMILLIN: Okay. I would make a
6 motion then that we on the -- what number is that, on
7 50?

8 JAMES PURSLEY: 4(a).

9 COMMISSIONER McMILLIN: 4(a), change it from
10 three to ten.

11 JAMES PURSLEY: Two to ten.

12 COMMISSIONER McMILLIN: Two to ten.

13 VICE-CHAIR ANDERSON: Okay. Is there a second?
14 Yes, no? No second.

15 COMMISSIONER SPITLER: I'll second.

16 VICE-CHAIR ANDERSON: Okay. Any further
17 discussion on this? All right. Ready to vote? All
18 those in favor?

19 (Commissioners simultaneously voted.)

20 VICE-CHAIR ANDERSON: Opposed? Carried. Thank
21 you.

22 COMMISSIONER McMILLIN: We have to do the same
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23 thing with 59, right? I would make the same motion on
24 59.

25 COMMISSIONER THOMAS: Double check 59 for the 268

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1 same facts, 85. What page in our book is 59?

2 OHV STAFF CHANCEY: That would be 53.

3 COMMISSIONER THOMAS: Thank you.

4 VICE-CHAIR ANDERSON: We need a secretary to
5 keep track of these.

6 COMMISSIONER THOMAS: I see, okay.

7 VICE-CHAIR ANDERSON: That's where I was before.

8 COMMISSIONER THOMAS: That's right. That's
9 where we started, okay.

10 VICE-CHAIR ANDERSON: All right. Are you ready?
11 Are you going to make a motion?

12 COMMISSIONER McMILLIN: I would make the same
13 motion to increase that by eight points on Item 59.

14 VICE-CHAIR ANDERSON: For?

15 COMMISSIONER McMILLIN: For Stanislaus County.

16 VICE-CHAIR ANDERSON: 4(a), yes, okay. Is there
17 a second? I'll second that.

18 Any further comments? All those in favor?

19 (Commissioners simultaneously voted.)

20 VICE-CHAIR ANDERSON: Opposed? Carried.

21 COMMISSIONER McMILLIN: Sorry for the confusion.
22 About 15 minutes ago I was on the wrong book. She was
23 on the right book, I told her she was on the wrong
24 book.

25 JAMES PURSLEY: This is a confusing question, 269

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1 and if I could make some recommendations. If you could
2 possibly link what you're referring to. And also the
3 chart in the back where we use for the calculations,
4 we'll continue to use that in our county. I think
5 others will benefit from it. Thank you.

6 COMMISSIONER THOMAS: Good. Can staff tell us
7 now what the cut line is so we can figure out?

8 OHV STAFF CHANCEY: We will have to do some
9 calculations.

10 COMMISSIONER THOMAS: I mean at least prior to
11 this last item. You were going to make calculations
12 before, and I was waiting for that.

13 OHV STAFF CHANCEY: We will do our best.

14 COMMISSIONER THOMAS: We will be done by the
15 time you do your best.

16 VICE-CHAIR ANDERSON: According to my record, we
17 have finished the grants applications.

18 COMMISSIONER McMILLIN: We had one that we
19 pulled.

20 VICE-CHAIR ANDERSON: No, I think we --

21 DON KLUSMAN: Madam Chair, you have not asked
22 for public comment on any of these.

23 VICE-CHAIR ANDERSON: Let me clarify where we
24 are, and then we can do that. Didn't we do 39? No,
25 okay. Then we have a bunch to do yet.

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1 OHV STAFF GREENFIELD: Item No. 39, U.S. Forest
2 Service, Plumas National Forest Planning, Project No.
3 G07-02-13-P01. The total project percent, 77.25. The
4 amount requested was \$212,000.

5 COMMISSIONER THOMAS: So let me ask staff on
6 this. The general criteria changes we made on the
7 other project will now carry forward in this project;
8 is that correct?

9 CHIEF JENKINS: That's correct.

10 VICE-CHAIR ANDERSON: But we have to vote on it?

11 CHIEF JENKINS: Yes.

12 COMMISSIONER THOMAS: We will have to vote on
13 it, but for calculation purposes, they're going to get
14 an additional four points from the general criteria, if
15 we support this. And then the next question then for
16 the applicant, is there any specific criteria on this
17 particular grant?

18 FRED KRUGER: No, specific criteria issues, just
19 those general criteria which was the five, two, and
20 two. I believe all of the points carry forward.

21 OHV STAFF CHANCEY: For a total of nine.

22 FRED KRUGER: Thank you, yes.

23 COMMISSIONER THOMAS: So I'll move the Plumas on
24 the basis of the additional four for the general
25 criteria change --

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1 VICE-CHAIR ANDERSON: Nine.

2 COMMISSIONER THOMAS: -- nine total, for the
3 general criteria change, nine total.

4 COMMISSIONER McMILLIN: Are all nine in the
5 general criteria?

6 OHV STAFF CHANCEY: Yes, they are.

7 COMMISSIONER THOMAS: Oh, they all were.

8 VICE-CHAIR ANDERSON: Yes, that's why I'm
9 wondering.

10 COMMISSIONER THOMAS: All right. Then even
Page 121

11 better, all nine I will move the Plumas No. 39 with an
12 additional nine points consistent with our earlier
13 action.

14 COMMISSIONER McMILLIN: Second.

15 VICE-CHAIR ANDERSON: All right. Any further
16 discussion on this?

17 COMMISSIONER SPITLER: Yeah, I have a question
18 for the applicant. Are you familiar with the
19 memorandum of intent between the Forest Service and the
20 OHV Commission?

21 FRED KRUGER: Yes, I am.

22 COMMISSIONER SPITLER: Are you familiar with the
23 dates in there, the timeline by which route designation
24 is to be completed?

25 FRED KRUGER: Working off the pyramid timeline,
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1 I am.

2 COMMISSIONER SPITLER: So the designation is to
3 be completed by December of 2007. And I'm just reading
4 in your application here which says, "It's anticipated
5 to the items noted above," which I'm not sure what that
6 means, "the wildlife studies for the complete EIS and
7 designation completed by the summer of 2009."

8 So I guess my first question is, when it says
9 it's anticipated to have these items completed by
10 December of 2009, is that the wildlife studies?

11 FRED KRUGER: That's our entire process in
12 having our -- for the motor vehicle route map published
13 by then.

14 COMMISSIONER SPITLER: I guess I'm just curious
15 as to why you're nearly two years late beyond the

16 timeline that you agreed to originally in 2003?

17 FRED KRUGER: Referencing the discussion last
18 night, we, the Plumas National Forest, went through our
19 step two, which closed the Plumas National Forest -- a
20 million acres was open to cross-country travel. We
21 issued our forest order that covered the entire forest
22 as of December of '06, okay, and that order is still in
23 effect. It's just been reissued as of December 1st of
24 '07, okay, and that was that forest order. And that
25 moves us through, we have our final draft proposed

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1 action NOI being looked at and reviewed by our Regional
2 Office, Ms. Kathy Mick and Marlene Finley, and once
3 they approve that, that will be entered into the
4 Federal Register shortly here, if not before the
5 holiday and released, which starts the formal EIS. We
6 anticipate having that EIS completed by this coming
7 August. That finishes the project, and then issuing
8 the map in early part of '09. That's where we're at
9 currently.

10 COMMISSIONER SPITLER: I appreciate that.

11 FRED KRUGER: Okay.

12 COMMISSIONER SPITLER: It sounds like you're
13 making good progress. Why are you so far -- why are
14 you so far out of the timeline that was agreed to by
15 the agency?

16 COMMISSIONER THOMAS: I think I can add
17 something.

18 COMMISSIONER SPITLER: I'd like to hear an
19 answer.

20 VICE-CHAIR ANDERSON: I'll put you on the list.

21 COMMISSIONER THOMAS: All right. Very good.

22 VICE-CHAIR ANDERSON: Give the applicant a
23 chance to answer the question.

24 FRED KRUGER: Okay. Again, the timeline we are
25 working on, when the pyramid entered into the -- the 274

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1 agreement was to complete the closure order, step two,
2 in '06, which we did a little late. But, again, we
3 moved that forward through in '06. And the timeline
4 we've been working under is to have the EIS completed
5 in '08, and we're on track to do that.

6 COMMISSIONER SPITLER: Your application here
7 says summer of '09.

8 FRED KRUGER: That's for the maps again, to
9 actually have the maps out on the street, the EIS
10 completes in '08.

11 COMMISSIONER SPITLER: I understand you're
12 repeating the timeline. I guess what I'm wondering is
13 why it's so far behind the timeline that the agency
14 originally agreed to? The original timeline which the
15 agency agreed to, and the Commission provided
16 \$12 million in funding for, was to have the
17 designation, draft designations completed by
18 September of 2006, public comment completed by
19 February of 2007, and final designations by December of
20 2007.

21 FRED KRUGER: And we had our draft designations
22 out in 2007. We issued that in April, which was our
23 first cut proposal, which we issued in September and
24 continued to work on that. Again, it's a very complex
25 process. I don't know if that answers your question 275

1 completely, but we, the Plumas, have been diligently
2 working on this, and this grant will greatly assist us
3 in moving that forward.

4 COMMISSIONER SPITLER: Thanks.

5 FRED KRUGER: You're welcome. Thank you very
6 much for your interest. I sincerely appreciate it.

7 VICE-CHAIR ANDERSON: Mr. Thomas.

8 COMMISSIONER THOMAS: I can inform Commissioner
9 Spitler that I work in an office with a number of
10 riders on the Plumas, winter and summer, and this is a
11 very controversial closure. The forest is taking a lot
12 of heat for their closure, and we are encouraging them
13 to move forward expeditiously on schedule, and
14 Mr. Kruger assures me that he's going to do that.

15 FRED KRUGER: That's correct.

16 COMMISSIONER THOMAS: And that's the best we can
17 get when half the world in your neighborhood is upset
18 with you.

19 VICE-CHAIR ANDERSON: Thank you. Thank you.
20 Mr. Klusman asked for an opportunity for public
21 comments. I would invite the public at this point to
22 come to comment generally if they would like.

23 COMMISSIONER THOMAS: We didn't finish this.

24 VICE-CHAIR ANDERSON: I know we didn't finish
25 this.

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1 COMMISSIONER SPITLER: If we want to do public
2 comments on the grants generally, let's take that after
3 we finish with this specific item that's open.

4 VICE-CHAIR ANDERSON: I will. I'm just trying
5 to see where we're going, and I'm anticipating that
6 that will be the final item on the agenda today is the
7 public comment.

8 COMMISSIONER SPITLER: I thought you just asked
9 for it now.

10 VICE-CHAIR ANDERSON: No, I'm sorry. We'll back
11 up, okay? We're not finished. Okay. We have the
12 grant, line 39, so do I have the line number right?

13 COMMISSIONER THOMAS: That's correct.

14 VICE-CHAIR ANDERSON: Okay. Those in favor of
15 the score modification as reflected in our earlier
16 discussion?

17 COMMISSIONER THOMAS: Nine points.

18 VICE-CHAIR ANDERSON: Nine points. Those in
19 favor?

20 (Commissioners simultaneously voted.)

21 VICE-CHAIR ANDERSON: Opposed? Okay. Carried.
22 And that concludes the grants.

23 Okay. Some guidelines for this kind of comment,
24 I would appreciate those which would be helpful to the
25 staff in looking at the applications and the

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1 information provided, hoping to -- I'm looking forward
2 to improving the process. If you find areas of
3 weakness or areas which need improvement, that would be
4 most welcome and, I'm sure, appreciated by the staff at
5 this point. Mr. Klusman.

6 DON KLUSMAN: Thank you. Don Klusman,
7 California 4-Wheel Drive Association. I want to
8 commend the Commission and the staff for getting
9 through a three-day process in a day, probably about a

10 day, much better than three or four days or longer.

11 I do have a technical question, since this has
12 been brought up about the double negative question, and
13 this has been done with the grants that were pulled off
14 the Consent Calendar. Now, is the Division or someone
15 going to go back and look at all of those other ones
16 where the double negative also -- because this is going
17 to change the ranking of grants. And to me it's a
18 little unfair of all the ones you guys passed on
19 Consent, that now that this issue of the double
20 negative question came up, and you made corrections to
21 the ones that were off Consent.

22 COMMISSIONER SPITLER: Made corrections to the
23 applicants that requested that their items come off of
24 Consent.

25 DON KLUSMAN: That is true.

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1 COMMISSIONER SPITLER: So if an applicant was
2 unhappy with their score, they should have requested
3 that the item come off of Consent.

4 COMMISSIONER THOMAS: And the assumption is
5 there was no confusion about a double negative if they
6 hadn't asked to be taken off Consent.

7 VICE-CHAIR ANDERSON: Hang on, guys, one at a
8 time.

9 DON KLUSMAN: I'm just asking the question if
10 it's fair that -- everybody needs to be on the same
11 playing field, and if you change the double negative
12 question for some and not others, I -- and I don't know
13 if it's going to change the ranking or not, but it's
14 just a question that definitely staff needs to look at.

15 Thank you.

16 VICE-CHAIR ANDERSON: Okay. Anyone else with
17 comments?

18 KATHLEEN MICK: Hi, Kathleen Mick, U.S. Forest
19 Service. I guess I have the same concern. Because
20 earlier in the day, we heard the counsel for the
21 Division say that we were going to kind of do this on
22 the fly, and that when the Conservation and Restoration
23 grants were heard, that for those that were pulled off
24 of the Consent Calendar, if others cascaded, then there
25 would be an opportunity for others to then get pulled.

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1 But there was no public comment before you made the
2 vote, and there was no opportunity for people to
3 understand that this double negative thing occurred.

4 So I just guess I'm a little concerned about the
5 process that we used today, especially not being able
6 to see how that's going to affect other grantees, and
7 that we made one process earlier in the day, and now
8 because we all want to go home and not have a Saturday
9 meeting, we're having another process. So that's a
10 little bit of concern.

11 VICE-CHAIR ANDERSON: Anyone else?

12 I just have one brief comment. I think many of
13 the applicants indicated to me that they were pleased
14 that the process was more quantifiable, but a lot of
15 concerns about having to deal with new software and new
16 applications every year and possibly facing another
17 round of new applications, new forms, and new wizards
18 for -- I don't know if they're black wizards, what are
19 they called?

20 COMMISSIONER THOMAS: Difficulties.

21 VICE-CHAIR ANDERSON: Difficulties in dealing
22 with it. My suggestion would be to try, if you were
23 going to modify the application process considerably,
24 that you consider beta testing anything that's new with
25 one or two applicants and not subjecting the entire

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1 group to the agony or choose one of the applicants to
2 work through the process and find the kinks and the
3 difficulties before applicants are squeezed into a very
4 short time frame in which they have to complete the
5 work and deal with an unfamiliar piece of software.

6 And that concludes my remarks.

7 Nothing else? Thank you very much. The meeting
8 is -- do you want to say something?

9 COMMISSIONER McMILLIN: I just want to say thank
10 you. I want to thank the staff and leadership also for
11 this new system, although I heard a few things at lunch
12 about Mr. Wizard. So as Judith noted, we need to beta
13 test that. That sounds like a good deal. I plan on --
14 I tried this year, but it didn't work, to go to the
15 workshops, so I, too, can see what you go through. So
16 next year hopefully it will be a little easier.

17 I also want to thank everybody in the audience
18 who is here and everybody who volunteers for any one of
19 your organizations, whether it's a -- whether you're a
20 paid employee for the feds or the state or just a
21 volunteer for a motorcycle group or a Brent Schoradt or
22 a Karen Schambach, I appreciate your views and
23 opinions, and I think it's a good process we have. So
24 happy holidays to everybody from me, and I'll see you
25 in '08.

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1 COMMISSIONER THOMAS: Thank you, Madam Chairman,
2 for your standing in and being patient with all of us.

3 COMMISSIONER McMILLIN: I talked to Gary
4 Willard. He had minor nasal surgery due to severe
5 sleep apnea, but he was fine and told me to tell
6 everybody hello.

7 VICE-CHAIR ANDERSON: And we're adjourned.
8 Thank you.

9 (Meeting adjourned at 2:25 p.m.)
10 Minutes respectfully submitted by Cheryl L. Kyle.

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